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REFORM OF THE ANTI-CORRUPTION INSTITUTIONS IN MONTENEGRO

How to make the system more efficient?



OPEN SOCIETY INSTITUTE

Think Tank Fund - Budapest

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INTRODUCTION

Taking into consideration reports of the European Commission and relevant international organizations about fight against corruption in Montenegro, it is easy to come to the conclusion that current situation in this area is not in accordance with general progress of the country and its European integrations priority.

Although it is stated that Montenegro has made a progress in legislation which regulates the area of fight against corruption, all regulations are still not aligned with the international standards, and its implementation remains at unacceptably low level. It is necessary to notice that in Montenegro no one from higher levels of government has ever been accused or sanctioned for corruption.

One of the main causes for this situation is extremely complex system of institutions that are dealing with the fight against corruption and their poor coordination. These institutions have narrow jurisdictions and weak powers, the mode of appointment and funding doesn't allow sufficient independence in actions, so even small powers that these institutions have, often remain unused. So, for concrete results in fight against corruption, before all it is necessary do redefine the institutional framework through which this fight has been conducted. It is necessary to ensure independence, empowerment and willingness of these institutions to give tangible results.

This study aims to present current organization and activity of anti-corruption institutions in Montenegro, as well as to offer alternative models of institutional framework, that would mean transformation of existing institutions in a new, stronger and independent body, which would have capacity and funds to fight against corruption.

Just to list all anti-corruption bodies will take a lot of space in this study, so the detail analysis of functioning of the each of them for practical reasons is impossible. In focus of this study are institutions that are dealing with the fight against corruption, as well as institutions that are dealing with the prevention of corruption and monitoring of the program documents.

In order to precisely describe functioning and structure of these bodies, we have conducted the interviews with their representatives, analyzed reports on work that these institutions have submitted and consulted the reports of relevant international organizations (SIGMA, GRECO). On the other side, we have examined regional experiences in the fight against corruption, through the set of interviews that had been conducted in Bosnia, Macedonia, Kosovo, Croatia, and Slovenia with the representatives of anti-corruption institutions and nongovernmental institutions that are dealing with the fight against corruption. Through analysis of the situation in Montenegro, we have identified the key problems in the work of institutions, and by analyzing the experiences from the region we have obtained positive examples of actions and identified the key factors of success in the field of the fight against corruption.

By putting together basic premises for success, we came to the recommendations for reform of institutions in Montenegro that would provide more effective fight against corruption and give visible results.

The study is structured in 5 parts:

In *the first part* is shortly presented legislative and institutional framework for the fight against corruption in Montenegro. This part gives a review on all legislative acts which regulate the field of fight against corruption, national as well as international. In this part also are going to be presented all institutions that are dealing with the fight against corruption- their structures, jurisdictions and powers.

In *the second part* we gave the analysis of the current situation in Montenegro, as well as the estimation of the efficiency of the institutions that are working to suppress political corruption (The Commission for prevention of conflict of interests, State Electoral Commission), to prevent corruption (Directorate for Anti-Corruption Initiative) and to monitor implementation of the innovated Action plan for the fight against corruption and organized crime (National Commission).

Third part consists of regional perspective of the fight against corruption, presented through interviews with the representatives of anti-corruption institutions in the region and nongovernmental organizations that are dealing with this topic. The structure of anti-corruption systems in the region, the number of institutions dealing with this issue in the countries from the neighborhood, its jurisdictions and to what extent these systems are efficient will be examined through the interviews. This analysis will include anti-corruption institutions from Serbia (The Agency for the Fight against Corruption), Macedonia (State Commission for Prevention of Corruption) Slovenia (The Commission for Prevention of Corruption), Bosnia (The Central Electoral Commission) i Kosovo (Anti-Corruption Agency of Kosovo) , as well as nongovernmental organizations CeSiD, Transparency International from Bosnia, Serbia and Macedonia, Society for integrity of public sector – Integriteta from Slovenia, COHU from Kosovo.

In *the fourth part* will be exposed three scenarios for the work of institutions for the fight against corruption. First scenario or status quo will give the perspective of the situation in Montenegro if current institutions remain unchanged. Second scenario foresees concentration of duties and jurisdictions in two big institutions, while in the third scenario, is it foreseen the establishment of one strong institution which would take over all jurisdictions from the area of fight against political corruption, prevention of corruption and monitoring of the implementation of anti-corruption policies from strategic documents.

Based on the obtained material, in *the fifth part* will be chosen the most applicable and most efficient scenario for Montenegro and exposed recommendations for reform that would make possible its functioning.

1. Legislative framework for the fight against corruption in Montenegro

1.1. National legislative framework for the fight against corruption

Legislative framework which regulates the area of the fight against corruption, encompasses more regulations, among which we need to mention:

Criminal law in Montenegro defines all criminal actions featured with corruption (chapter XXIII and XXXIV): money laundering, violation of equality in the exercise of economic activity, abuse of monopoly positions, causing bankruptcy, causing a false bankruptcy, illegal mediation, false balance, abuse of assessment, disclosure of trade secrets, disclosure and misuse of stock secrets, bribery, disclosure of official secrets, misuse of official positions, fraud in the service and misuse of given powers in the economy field punishable with imprisonment of eight years and more. Work on changing of criminal law is in process and it will completely respond to international conventions and standards.

Law on prevention of conflict of interest sets limits in conduction of public function, submission of reports on incomes and property and other measures for prevention of conflict of public and private interest.

Law on prevention of money laundering and terrorism financing sets measures and actions that are conducted for discovering and prevention of money laundering and financing of terrorism which are being conducted before and during all of the jobs of receiving, investing, exchanging, keeping, or some other financial management or other property, or transaction for which exist a doubt that it is about money laundering or financing of terrorism.

Law on the system of internal financial controls in the public sector regulates a system of internal financial controls in the public sector of Montenegro, which includes financial management and control and internal audit. All bodies of state administration are obliged to establish the Internal Audit Unit, which must be functionally and organizationally separated from other organizational units. Functional independence is achieved with independent planning, implementation and reports on executed internal audits. Head of Internal Audit Unit cannot be appointed to another position, or fired for stating the facts and making recommendations in the report of the audit, which is one of the mechanisms for protection of conscientious officials.

Law on Political Party Financing regulates manners of acquisition of assets and fundraising for election campaigns of political parties as well as manner of financial managements' control and control of their financial operations, in order of implementation of legality and transparency in their financial operations.

The law on financing campaign for the election of the President of Montenegro and the Mayors regulates modes of acquiring and providing funds for the electoral campaign and the sets control over parties' finances, prohibiting use of state means or local governments' assets. Considering that, by the Law on Election of Councilors and MPs, direct elections are abolished; this law now applies only to the election of the President of Montenegro.

Law on Public Procurement Procedures sets criteria for the selection of the most favourable bidder, the rights of participants in tenders, and decentralization of public procurements system.

Law on free access to information guarantees free access to information held by public authorities. In accordance with the principles of freedom of information, it provides equal conditions for exercising the rights, openness and transparency of the authorities and quick pace of procedures.

With Resolution on the fight against corruption and organized crime, Parliament of Montenegro expressed its willingness to engage all its capacities to build a national anti-corruption legislation and to establish closest possible international and regional cooperation in the fight against corruption and organized crime. At the same time Parliament sustained that it will, in accordance with the commitments of the Regional Conference of Southeast Europe, GOPAC - Global Organization of Parliamentarians against Corruption, establish a national branch of the Montenegrin parliamentarians in the fight against corruption, which would involve representatives of all the working bodies of the Assembly ¹.

1.2. Regulation of Montenegro through ratification of international conventions and through membership in the regional initiatives

Contribution in the fight against corruption Montenegro has confirmed by ratification and implementation of regional and international documents among which are significantly important: Convention of United Nations against corruption, Criminal and Civil Law Convention on Corruption of the Council of Europe, Declaration on ten common measures for suppression of corruption in South Eastern Europe.

¹This is legislation is mostly related to the area of political corruption, while there is a number of other laws that also regulate matter of corruption, but in other areas, such as: Law on Witness Protection (Official Gazette of RM "No. 65/04), Law on State Prosecutor's Office (" Official Gazette" No. 69/03 and "Official Gazette of Montenegro" No. 40/08) Law on Courts ("Official Gazette, No. 5 / 02 and 49/04 and "Official Gazette of Montenegro" No. 22/08), Law on the Judicial Council ("Official Gazette of Montenegro" No. 13/08), Law on the Police ("Official Gazette of RM" No. 28/05), Law on Agency for National Security, Law on Border Control, Law on the liability of legal persons for criminal offenses, the Law on International Legal Assistance in Criminal Matters ("Official Gazette of Montenegro" No. 08/04) , Law on Protection of Personal Data ("Official Gazette of Montenegro" No. 79/08 72/09), Law on Tax Administration ("Official Gazette of RM" No. 65/01 and 80/04), Customs Law ("Official Gazette RM" No. 7 / 02, 38/02, 72/02, 21/03, 29/05 and 66/06 and "Official Gazette of Montenegro" No. 08/21), Law on Civil Servants and Employees, Law on system of internal financial controls in the public sector ("Official Gazette of Montenegro" No. 73/08) Law on Election of Councilors and MPs, the Law on State Audit Institution ("Official Gazette of RM" No. 28/04, 27/06, 78 / 06 and "Official Gazette of Montenegro" No. 07/17), Law on the supervision of temporary and permanently expropriated property ("Official Gazette of Montenegro" No. 49/08).

One of the most important task of Montenegro on the plan of the fight against corruption is harmonization of Montenegrin legislation with regulations of Convention of United Nations for the Fight Against Corruption ², that are pointed towards prevention, incrimination, discovering and sanctioning of criminal actions with feature of corruption and on cooperation of countries signatories of this plan. The convention insists on forming special anti-corruption bodies which would take over adequate measures in the plan of avoiding of conflict of interest, prevention of money laundering, free access to information and active engagement of private sector and civil society in the fight against corruption. Through the reform of criminal legislation and adoption of new regulation that regulate activities and mechanisms for the fight against corruption, with forming adequate bodies ³, Montenegro has taken steps in the direction of alignment with UNCAC⁴.

On international scene, Montenegro realizes intensive cooperation with the international organizations and institutions which are dealing with the fight against corruption. Montenegro, has signed, in 2000, the Agreement and Action Plan of Anti-Corruption Initiative of Pact for Stability of South Eastern Europe (SPAI), and on that way became fully fledged member of regional Anti-Corruption Initiative (RAI). Together with other members of RAI, Montenegro has signed Declaration on ten common measures for the fight against corruption in the South Eastern Europe, in May 2005, (Brussels declaration) and Memorandum of understanding for cooperation in the fight against corruption for South Eastern Europe (2007) by which the principle of “regional ownership” of member countries was confirmed ⁵.

From June 2006, Montenegro is fully fledged member of GRECO (Group of States of the Council of Europe for the fight against corruption), through which monitoring of the implementation of conventions of the Council of Europe against corruption is conducted. Continuous cooperation on this plan is being realized through implementation of common projects with the mission OSCE in Montenegro, Council of Europe Office in Montenegro, EAR Office, Embassy of US and other.

²On October 23. 2006. Montenegro deposited an instrument of accession to the UN Convention against corruption at office of The Secretary General of the UN

³In order to meet obligations of the Convention Government of Montenegro has established a Directorate for Anti-Corruption Initiative, the Directorate for the prevention of money laundering and financing of organized Crime, Commission for the control of public procurement, Public Procurement Directorate, the State Audit Institution. The Parliament of Montenegro in 2004. founded the Commission for determining conflict of interest.

⁴In preparing four laws: the Criminal Code and the Code of Criminal Procedure, Law on Public Procurement and the Law on conflict of interest, all the necessary analysis of expert teams on compliance with the Convention of the UN were made.

⁵In 2007. Montenegro, for the second time, hosted a meeting of the management group of this initiative, and on this occasion it was decided that the Director of the Anti-Corruption Initiative, in the next two years, will chair this initiative.

2. Institutional framework - institutions responsible for fight against corruption in Montenegro

2.1. National Commission for the implementation monitoring of the innovated Action Plan of the Program for the fight against corruption and organized crime

In purpose of creating strategic framework for suppression of corruption and organized crime in Montenegro, in July 28th 2005, the Government adopted Program for fight against corruption and organized crime, and year later it adopted Action Plan for implementation of the Program itself (for the period 2006-2008⁶), which defined basic goals related to prevention and effective prosecution of perpetrators for corruption offenses, concrete measures and activities, competent authorities and institutions, timelines, indicators for measuring success of the Program⁷.

In order to monitor implementation of the Action Plan of the Program for fight against corruption and organized crime, the Government, on February 15th 2007, founded the National Commission composed of representatives of the executive, judicial and legislative authorities and representatives of civil society. The Commission is the only state institution for fight against corruption in Montenegro, whose work included representatives of NGOs⁸.

National Commission was created as a key national-level body in charge of coordinating activities in the field of fight against corruption and organized crime. The tasks and responsibilities that are entrusted to the Commission are: management, organization and coordination of the activities of state administration and other relevant institutions in the implementation of the Program against corruption and organized crime, management of the overall resources provided for implementation of the Program of fight against corruption and organized crime, setting of the priorities, schedules and deadlines for implementation and evaluation of the results achieved in the implementation of the Program against corruption and organized crime, submission of reports on implementation progress to the Government of Montenegro, as well as the assessment of proposed measures in the field of corruption and organized crime at least twice a year. In April of 2007, work of the National Commission was strengthened through the establishment of Expert body responsible for preparation of reports⁹, and in the

6The Action Plan was innovated in May 2008., when the implementation period was extended to the end of 2009., while the number of measures was increased (from 280 to 309) as well as number of participating agencies and institutions (from 32 to 54).

7In preparing of the Action Plan for implementation of the Program for fight against corruption, special attention was paid to the Council's decision on the principles, priorities and conditions contained in the European partnership (since 2007.), UN Convention on Transnational Organized Crime, UN Convention against Corruption, the European Convention on Human Rights and Fundamental Freedoms, Council of Europe Resolution (97) 24 on the twenty guiding principles for the fight against corruption (GRECO), Principles for improving the fight against corruption in the EU acceding countries, candidate countries and third countries.

8Commission members are: Minister for European Integration (President of the Commission), Minister of Internal Affairs and Public Administration (deputy chairman of the Commission), Minister of Finance, Minister of Justice, the Presidents of the Committee on Economics, Finance and Budget and the Committee on the political system, judiciary and administration in the Montenegro Parliament, President of the Supreme Court, Supreme State Prosecutor, the Director of Police, Director of the Anti-Corruption Initiative, the executive director of the NGO MANS and Chairman of the Governing Board of CEMI NGO.

9"Expert body for the preparation of the reports" was formed in April 2007 for technical procession of monthly or quarterly reports in accordance with the Rules of Procedure (it is made by representatives of the Police Directorate, the

same year the Tripartite Commission was formed in order to facilitate the analysis of cases in the field of organized crime and corruption, and reporting. Also, it had a task to develop unique methodology for statistical indicators in this field. However, the National Commission stopped its actions on 19th February 2010, considering that Action Plan for fight against corruption and organized crime was not adopted for the next period.

2.2. The Directorate for Anti-Corruption Initiative

First anti-corruption institution in Montenegro was founded in early 2001, when the Government adopted the Statute on the establishment of the **Agency for Anti-Corruption Initiative**, with jurisdiction in raising of public awareness about the fight against corruption, proposing ratification and implementation of international standards, and a significant role in the development of anticorruption laws and establishment of other anticorruption bodies. Within the reform of state administration in 2004, the Agency was reorganized into the Directorate for Anti-Corruption Initiative, whose responsibilities were significantly expanded in late 2007¹⁰.

Directorate for Anti-Corruption Initiative is one of the key bodies for the implementation of anticorruption measures, and its responsibilities are defined by the Establishment Act and innovated Action Plan for the implementation of the Program for fight against corruption and organized crime, but an important part of the activities could be put under the implementation of the UN Convention against corruption, and some responsibilities are arising from membership of Montenegro in bodies of international organizations (such as the GRECO¹¹) and membership in regional initiatives, primarily in the Regional anti-corruption Initiative (RAI¹²).

Jurisdictions of the Anti-Corruption Initiative include¹³ :

- Promotional and preventive activities, such as raising public awareness about the problem

Directorate for Anti-Corruption Initiative, the Ministry of Justice, Supreme State Prosecutor and the Office of the Deputy Prime Minister for European Integration). On regular bases electronic entries were exercised in the table of quarterly reports for monitoring the reporting period. Correct cooperation with all institutions was achieved and gradually increased sense of responsibility for the obligations under this joint work. "(Sixth Report on the implementation of measures from the innovated action plan for implementation of the Program against corruption and organized crime (2008-09) for the period 01 July 31 December 2009, the National Commission for monitoring the implementation innovated the action plan to combat corruption and organized crime, Podgorica, 2010, p. 4.)

¹⁰Directorate jurisdiction is extended and specified in amendment to Article 25 of Regulations on organization and public administration ("Official Gazette. Gazette of RM, no. 54/07) by the Government of Montenegro adopted in late November 2007. year.

¹¹ Montenegro is a full member of GRECO (Group of States of the Council of Europe for the fight against corruption), through which the implementation of the Council of Europe Convention for the Fight against Corruption is monitored <http://www.greco.coe.int/>

¹²Regional anti-corruption initiative is the body responsible for monitoring the implementation of the Declaration on the 10 most common measures to fight corruption in Southeastern Europe. In this regard, the Department for Anti-Corruption Initiative submits annual reports to the RAI in terms of fulfilling the political declaration signed in 2005.

¹³Article 27 of the Regulation on organization and public administration ("Official Gazette. Montenegrin newspaper" no. 59/09 from 04.09.2009)

of corruption and conducting research on the presence, manifestations, causes and mechanisms of corruption. In this way, the Directorate is educating civil servants and employees, local officials and advisers, NGOs and the private sector representatives, students, high school students, has an open telephone line for reporting suspicions on corruption and forwards them to relevant authorities, organizes informational and educational programs on radio and TV stations, creates, distributes and promotes anti-corruption information material for different target groups, cooperates with competent authorities for the purpose of developing and implementing legislative and program documents of importance for the prevention and fight against corruption. The DACI collaborates with NGOs and the private sector in the fight against corruption, cooperates with state bodies in proceedings on charges of corruption that Directorate receives from the public and other entities, suggests to the Government conclusion and implementation of European and other international anti-corruption standards and instruments; participates in the work of regional and international organizations and the realization of mutual projects with domestic and international partners, monitors the implementation of recommendations of the Group countries of the Council of Europe for Anti-Corruption (GRECO), coordinates activities resulting from the application of the United Nations Convention against Corruption and exercises of other duties arising from membership in the Stability Pact for South Eastern Europe¹⁴ and other international organizations and institutions participating in the global anti-corruption campaign, and conducts other activities that are defined within jurisdictions of the Agency.

Director of the Anti-Corruption Initiative was also the member of the National Committee for monitoring of implementation of the Action Plan for Program for fight against corruption and organized Crime, so the Directorate regularly participated in the work of the Commission. Also, a representative of the Directorate participated in the work of the expert team that provided support to the National Commission.

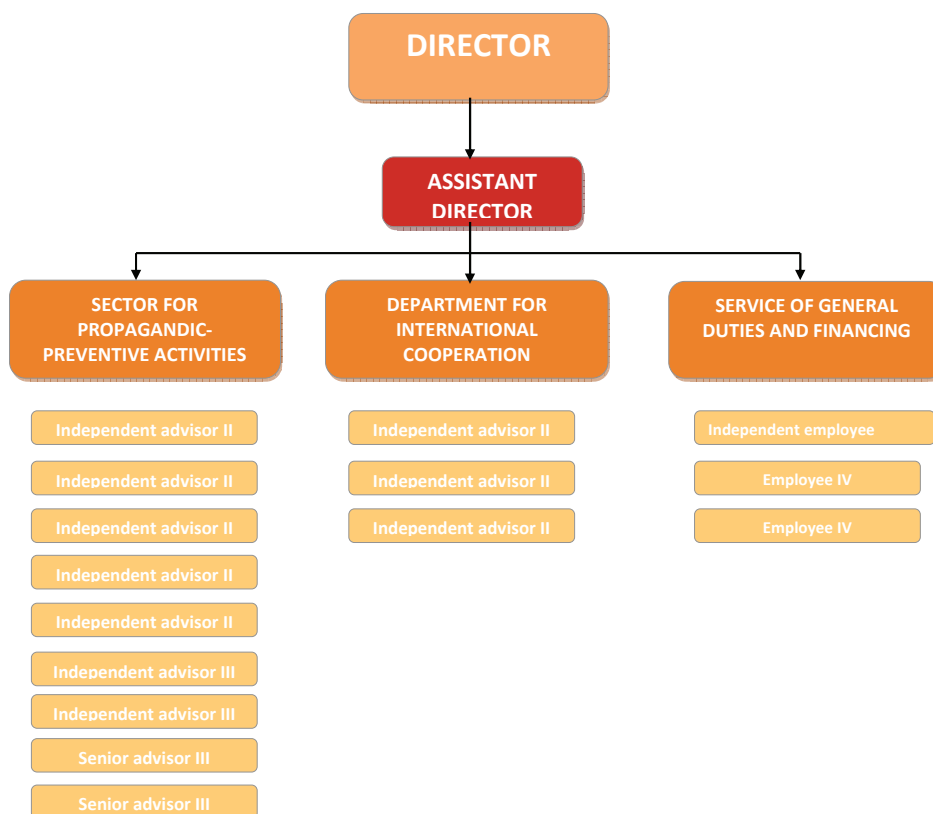
In terms of providing financial resources, pursuant to the planned objectives and tasks of the Ministry of Finance, Directorate submits a proposal for approval of funding. Directorate independently manages with its own funds, while the Ministry of Finance monitors the expenditure of approved funds¹⁵.

Directorate for Anti-Corruption Initiative directs its activities to harmonization of institutional and legal framework with international standards and norms. Particular emphasis is placed on the implementation of many activities within the active participation of Montenegro in the regional and international projects and initiatives. At the national level, the Directorate aims at the development and implementation of comprehensive anti-corruption strategy and implementation of anti-corruption instruments conforming to the Convention of the United Nations and the Council of Europe Criminal Law Convention against Corruption.

¹⁴In 2000. Montenegro signed Agreement and Action Plan of Regional anticorruption initiative of the Stability Pact (SPAI)

¹⁵Budget of Directorate for Anti-Corruption Initiative for 2010. is 392,232.63 €

Organizational structure of the Directorate for Anti-Corruption Initiative



Among other agencies that have responsibilities in fight against corruption, we will examine the structure and authority of the following institutions: The Commission for the prevention of conflict of interest, the State Electoral Commission, Commission for the Control of Public Procurement Procedures, and the Directorate for the prevention of money laundering and terrorist financing.

2.3. The Commission for the Prevention of Conflict of Interest

Commission is established as an independent body with the Decision¹⁶ of the Parliament of Montenegro in 2004. The Commission is working on the basis of the Law on the Conflict of Interest and the adopted Rules of procedure before the Commission¹⁷. Its key responsibilities include: monitoring of the membership of public officials in the boards of state owned companies, their financial situation, determining conflicts of interest and making decisions on violations of the Law. The Commission has six members whose mandate is limited to five years. Reports on income and assets of public officials

¹⁶The Decision on establishment of the Commission for the prevention of conflict of interest and election of the President and members of the Commission (Official Gazette of Montenegro “, No. 53/04 from 04.08.2004.)

¹⁷ Rules of Procedure before the Commission for the prevention of conflict of interest (“Official Gazette of Montenegro 80/09)

are available on the website of the Commission. If existence of a conflict of interest is verified or if an official does not submit report of income and assets in due time, the Commission proposes to the competent authority to resolve him from duty, and in case that it concludes that a public officer committed a criminal offense, Commission files claim to the public prosecutor in charge for these offences¹⁸.

Law on the Conflict of Interest was originally adopted in 2004 with the goal of raising the level of confidence in legitimate and impartial exercise of public functions, or determining the existence and ways to avoid conflicts of public and private interests, which primarily applies to public officials and persons connected with them. The Law on the prevention of conflict of interest was adopted in January 2009.

Budget of the Commission for the Prevention of Conflict of Interest for 2010, amounts to 225,891.96 €. Commission, aside the President, consists of six members.

2.4. The State Electoral Commission

The State Electoral Commission of Montenegro, by the powers and responsibilities, formally and legally commissioned to it by the electoral legislation in Montenegro, is the most important body in the hierarchy of the election administrative authorities in Montenegro. According to the Law on Election of Members of Parliament and Committees from 1998, the State Electoral Commission¹⁹ has two types of members: permanently appointed members to the board and plenipotentiary members who, with permanent members, form extended convocation of the Commission. Constant composition of the Commission includes the President, Secretary and nine members (and their deputies), so that it permanently consists of 11 members. Permanent convocation of the Commission representatives of the two opposition parties that in previous elections won the most votes must be appointed. On the other hand, each confirmed electoral list shall be entitled to appoint one plenipotentiary representative to participate in the work of Commission.

This law also defined the activities of the State Electoral Commission, which should be conducted during the whole electoral process: the electoral process during the elections day and after the completion of the elections. Activities conducted by the Commission in the pre-election period are mainly administrative and procedural nature (e.g. adoption of the electoral lists, the appointment of empowered representatives, etc.). During the day of elections, the Commission is responsible for the lawful conduct of elections and the unified application of the provisions of the Law. After elections, it publicly announces the overall results of the elections and submits report to the Parliament of Montenegro on the conducted elections. Pursuant to its authorities, this body becomes the most important in the hierarchy of the election administration.

¹⁸Rules of Procedure before the Commission for the Prevention of Conflict of Interest ("Official Gazette of Montenegro 80/09)

¹⁹Elections for Parliament in 2006, the first after independence of Montenegro were the first elections in which the former Republic Electoral Commission implemented its activities under the name of the State Electoral Commission. But then it occurred only in a formal-legal change in the name of this body, which is implied by changing the state and legal status of Montenegro, while the scope of responsibilities and structure of this body remained unchanged.

Until the adoption of the decision of the Administrative Committee of Parliament of Montenegro, in April 2010, which professionalized function of the President of SEC, the State Election Commission did not have full-time employees.

Budget of the State Electoral Commission for 2010 amounts to 48,480.00€.

2.5. The Commission for the control of public procurement procedures

The Commission for the control of public procurement procedures is an autonomous and independent body established in 2001, which decides on complaints filed in the process of public procurement in Montenegro. Commission decisions are final, binding and enforceable. The state Commission has three members: the President and two members appointed by the Government for a period of four years.

The key responsibilities of the Commission, in accordance with the provisions of the Law on Public Procurement ²⁰ are:

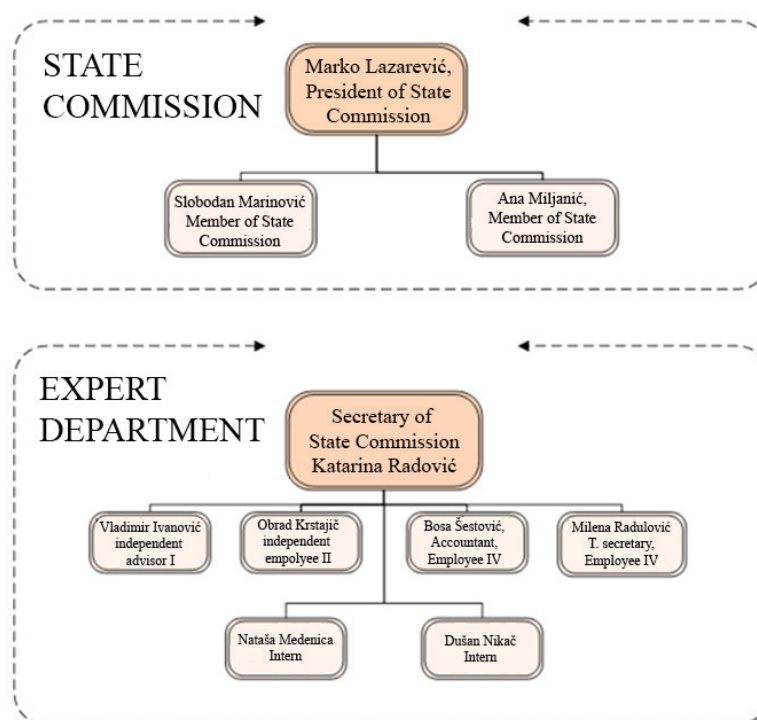
- Consideration of complaints of bidders on public procurement procedures and bringing decisions on them;
- Examination of the regularity of the Law on Public Procurement, proposing and taking measures to correct the irregularities, to ensure competitive behavior of bidders and transparency in public procurement procedures;
- Determination of general standpoints in purpose of unified application of the law;
- Performance of other duties in accordance with the Law on Public Procurement.

During its sessions, Commission adopts conclusions and decisions in written form and in this way it deals with matters within its jurisdiction. The Commission decides by majority votes at meetings of the members present, with the rule that member of the Commission cannot restrain from voting.

Procurement Law clearly defines the way of gathering data on public procurement, the conditions and manner of determining the value of procurement, as well as the appellate procedure of protection of bidders' rights and public interest in proceedings before a purchaser and in the proceedings before the State Commission.

The Budget of the Commission for the Control of Public Procurement for year 2010 amounts to 190,153.17 €.

²⁰The Law on Public Procurement - "Official Gazette of RM" no. 46/2006



2.6. The Directorate for the Prevention of Money Laundering and Financing of Terrorism

Directorate for the prevention of money laundering and financing of terrorism is a specialized financial – intelligence authority that collects, analyzes and processes data submitted by the legal taxpayers and foreign FOS. If Directorate deems, after processing collected data, that in relation to a certain person or transaction exists danger of money laundering or terrorist financing or other criminal offense, it shall inform the competent authorities²¹.

The Directorate consists of the following organizational units:

1. Department for receiving, processing and analysis of data
 - Unit for analytical work
 - Unit for suspicious transactions
 - Unit for Information Technology and receiving data
2. Department of control, international and domestic cooperation
 - Department for control of taxpayers
 - Department of international and domestic cooperation

²¹Administration acts in accordance with the provisions of the Law on Prevention of Money Laundering and Terrorist Financing ("Official Gazette of RM", no. 14/07 of 21 December 2007 and 4 / 08 dated 17 January 2008)

3. Referent – conducting first-degree misdemeanour proceedings

4th Department of general affairs, finance and PR

The Budget of the Directorate for 2010. amounts to 578,726.31 €.

3. Analysis of the situation in Montenegro

In the last couple of years, Montenegro advanced in harmonization of its legislation with the European standards, although institutional framework which regulates legislation remains overly complex, hindering internalization of these standards and puts at risk sustainability of reforms.

Current institutional framework for the fight against corruption in Montenegro is marked by relevant institutional organizations and experts as too broad and dysfunctional.²²

The Strategy for fight against corruption draft is done by the Working group the Government of Montenegro is adopting it, implementation of Strategy is divided by numerous institutions while National Commission conducts supervision of such implementation.

Results in the fight against corruption are weak; jurisdictions fragmented and authorities too narrow. Establishment of such system demonstrates that the political will for suppression of corruption is conditioned more by the pressure of the international community, rather than it represents true commitment of the State.

Bearing in mind that Montenegrin institutional framework for fight against corruption is too broad, our analysis focuses only on one part of relevant bodies. This section examines the work of institutions responsible for the prevention of political corruption and creation of anti-corruption policies, as well as institutions involved in promotional and preventive activity in the area of fight against corruption.

3.1. The Directorate for Anti-Corruption Initiative²³

Independence

The Directorate for Anti-Corruption Initiative submits its annual performance reports to the Ministry of Finance. Although the Directorate represents a separate budgetary unit, Ministry of Finance approves funds for its work and controls its expenditures. Budget of the Directorate recorded steady growth: for 2006, it was 73.551 €; in 2007 it was 174.627 €; 417.360 € in 2008; 382.432 € in 2009 and 392.232 € in 2010. Moreover, the Directorate uses IPA resources, as well as other funds earmarked for fight against corruption. This body submits proposal to Ministry of Finance for approval of financial resources, while the Ministry monitors the spending of the approved funds.

Since the Ministry of Finance supervises the legality and effectiveness of Directorate's work and controls its finances, while the Board Director is appointed by the Government of Montenegro, we can hardly speak of complete independence in activities of this institution.

²²Reports by GRECO, SIGMA as well as individual opinions of high officials stated through media, "Compliance report on Montenegro" GRECO, adopted during fortieth plenary session, 5th December, 2008, Strasburg, p. 8-20

²³All information about the work of the institution were obtained from responses to a questionnaire sent to the Director, Mrs. Vesna Ratković

Jurisdiction and authority

Within its preventive and educational jurisdiction, DACI continuously carried out a series of anti-corruption activities, such as the leading campaigns for different target groups with the aim to raise awareness about the problem of corruption. Currently, the Directorate has 17 employees and interns.

The Directorate has coordinated activities with other government bodies in terms of reporting on the fulfilment of binding recommendations of the Group of States against Corruption (GRECO), the Regional Anti-Corruption Initiative (RAI) on the implemented activities, as well as the application of the provisions of UN Convention against Corruption.

DACI, since year 2006, has an open telephone line that allows citizens to report suspected existence of a criminal offence with elements of corruption.

Representatives of DACI plan to concentrate more, in their future work, concentrate more on coordination of institutions, data gathering, analysis and reporting on the occurrence and causes of corruption and mechanisms to combat such phenomenon. Furthermore, based on strategic documents for fight against corruption, DACI will, as the secretariat of the National Commission for the Action Plan Implementation Monitoring, inform general public about realized activities of state bodies and NGOs, as well as continue to communicate actual anti-corruption activities.

The DACI should, in the following period, become central body for collecting and analyzing data on allegations of corruption, received by those bodies that have an open telephone line (Police Department, Customs Department, Tax Department, and Directorate of Public Procurement). The DACI plans to analyze data gathered in order to identify areas, processes and workplaces that are susceptible to corruption. This would enable management of statistical data on allegations of corruption, facilitating estimation of how many allegations were reasonable and how many ended up with prosecution. In this manner, the Directorate would become central preventive anti-corruption body that would coordinate, analyze and secure information, and serve as a kind of database on the overall anti-corruption activities undertaken in Montenegro.²⁴

List of responsibilities and authorities that fall under DACI demonstrates that this body was founded as national advisory center for questions of corruption, with prevalently educational role. Despite the importance of preventive acts in fight against corruption, mainly achieved through raising awareness on damages and consequences of corruption and its various forms, still purely educational and preventive role that currently DACI plays is too small to be main pillar of the work of the whole institution.

Role of the centre for legal advices and acceptance of allegations on corruption is equally important- but all other anti-corruption institutions in the country have such centre as well. Mere transfer of registration and issuance of legal opinions, without administrative investigation, no data on processed forwarded applications, does provide citizens another way to register corruption, but does not provide significant results.

²⁴Information received from DACI Director, Mrs. Vesna Ratković

Efficiency and deficits of legal framework

The Directorate in 2009 accepted 98 allegations on existence of corruption, which is twice more when compared to 2008 (40). From these, 79 allegations were processed to other government bodies, while in 19 cases legal advice was given. Since processing and sanctioning does not fall under the jurisdiction of the Anti-Corruption Initiative, the Directorate does not receive feedback on how many allegations were processed to other government bodies and what verdicts were issued.²⁵

Regulation by which the Directorate was established provides too narrow range of jurisdictions and does not vest enough authority to this institution. To addition, one part of activities provided by this act could not be implemented due to lack of human and technical capacities. This deficiency is caused by the inability of the Directorate to offer an adequate labor price to experts in this area.

There is no legal framework that would determine the place of this institution among the hierarchy of other governmental institutions, so often is the case that some institutions refuse to cooperate with the Directorate.

The Directorate for Anti-Corruption Initiative undertakes most efficiently preventive-educational activities; however it is too narrow field of action for one institution. On all other fields, the Directorate faces serious problems, such as lack of capacity, unclear place in the hierarchy of institutions and lack of mechanisms to act. Even though propagandist-education role of the Directorate has been successful so far, it can in no way represent the only *raison d'être* of an entire institution.

3.2. The State Electoral Commission

The Commission deals with legal proceeding of elections and unified application of acts provided by the Electoral Law. Problems that State Electoral Commission faces are demonstrated in a study published by CEMI in 2009 “State Electoral Commission – models for improvement.” Main obstacles identified in our work were: low levels of professionalism by members of SEC which is caused by inadequate regulation, inadequate capacities and insufficient level of transparency in the work.

Independence

State Electoral Commission is appointed by Parliament, on the proposal of its body in charge for selection and appointment and is comprised of: the President, Secretary and nine permanent members with an addition of one more representative as a bearer of electoral list.²⁶ Since the only requirement for being a member or president of the Commission is to be “graduated lawyer”²⁷, priority in appointment of members is given based on political premises, partially disregarding principles of professional achievements and experience in this area.

²⁵Ibidem

²⁶Law on electing members of committee and parliament” (Sl. List RCG num. 56/06)

²⁷Ibid

State Electoral Commission, during the period between elections, is being financed from the budget of the Parliament, while during the electoral period the Commission allocates funds to itself from the budget earmarked for elections. This causes great disproportion of funds allocated to Commission's members during and between the electoral periods.²⁸

Jurisdiction and authority

State Electoral Commission, in addition to control of the electoral process, publishes reports of the Auditor of the Ministry of Finance, dealing with financing of political parties and electoral campaigns on its website. In this process, the State Electoral Commission represents only a mechanism for transmission of information from state institutions to the public. The Commission does not have the capacity to undertake revision of financial reports by itself, nor to initiate proceedings against parties that have not submitted reports.

Jurisdictions of the Commission are administrative and procedural and relate mainly to the period of elections. The lack of all financial, special and human capacities of this institution further limits the area of its jurisdiction. It is sufficient to say that the income of members and president of the Commission in the period between elections is about 150 €, while during the period of elections it can reach up to 7000 €. The Commission is located in the building of the Parliament of Montenegro. "Sub-tenant" status of the most significant body of the electoral administration does not allow fulfilment of its actual needs, while increase of its activities is rendered impossible due to such arrangement of things.²⁹

Efficiency and deficits of legal framework

The Commission is competent to decide on complaints of political parties in the electoral process and in the past two years has brought 15 decisions. From these, 13 complaints that were submitted by oppositional parties were refused, while two that were submitted by ruling coalition were accepted. State Electoral Commission, in its old convocation, did not fulfil even one of the actions predicted by the Action plan. New structure of the State electoral Commission began with fulfilment of those measures encompassed by Action Plan which do not require amendments of laws.

The work of Commission is regulated by the Rules of Procedure, while only three articles of Law on Election of Committee Members and MPs stand to represent legal framework of this institution's functioning. Conduct of the Commission is not regulated by the Code of Conduct, thus there is no definition on which principles the work of its members should be based, nor there are sanctions provided for unethical actions.³⁰

The lack of human capacities negatively impacts efficiency of this institution. Usually these capacities, during the electoral process, are "borrowed" from other government institutions, in order to smoothly carry out all planned activities. Furthermore, the transparency of this institution is not at

28 Law on Budget 2009 (year of parliamentary elections) and 2010; Conversations with members of SEC

29State electoral Commission – models for improvement" Center for Monitoring, 2009, Podgorica, p.

30New composition of State electoral Commission began preparations for formation of new Ethical codex.

the satisfactory level. Parliament's reporting system on work of Commission does not provide insight to citizens about the decision-making process of this body as well as on its financial operations. This particularly applies to the determination of the final electoral list and fees, which are determined by the Commissioner themselves.

3.3 The Commission for Prevention of Conflict of Interests

This institution was founded by the Decision of the Parliament in July, 2004. Its jurisdictions and authority are regulated by the Law on Conflict of interests from 2004, and redefined by the new Law on prevention of conflict of interests from December, 2008.

Independence

Commission consists of the President and six members appointed by Parliament of Montenegro, suggested by a relevant parliamentary body, with mandate on five years, without possibility of mandate renewal. The president and members of the Commission cannot have a function within a political party, but Law does not prohibit them to be members of political parties. Commission is financed from the Budget, and income of the President of Commission is equal to that of Ombudsman.

Such arrangement of things does not completely prevent political influence on members of the Commission, because they are elected through parliamentary majority, they can be members of political parties, financially are completely dependent on Budget which is also determined through parliamentary majority. Besides membership in political parties, modes of election and financing is mostly the same in whole region of Western Balkans, so it is not possible to undertake radical changes in this area. The process of candidature and selection of President and members of Commission can be made more transparent through publishing list of candidates, clear list of qualifications necessary for selection and justification of the choice for particular candidate.

It is necessary to reduce possibility of pressure on Commission that could be achieved through reduction of financial funds allocated for it. Additionally, in accordance with GRECO recommendations from 2008, it is necessary to ensure independence through explicit ban on party membership to members and president of the Commission.³¹

The problem of independence is articulated additionally in report of SIGMA for 2009: "It is questionable that the Commission that has been politically appointed by the Parliament will be able to carry out any meaningful control of conflict-of-interest situations and asset declarations of parliamentarians who are in charge of the election of the members of that Commission."³²

Particularly problematic is provision from Law on prevention of conflict of interests contained in article 24, stipulating that instigation of procedure, by which it is decided whether there is breach

31 Joint First and Second Evaluation Rounds Compliance Report on Montenegro, adopted by GRECO at its 40th Plenary Meeting, Strasbourg, 1-5 December 2008, recommendation xvi pages 13-14

32, "Public Integrity system- assessment May 2009" SIGMA, 2009, page 5

of this law, is initiated by Commission on demand of authorities in which public official executes or has already executed public function. Commission can also initiate the procedure ex officio. Taking in consideration that members of the Parliament do not have direct superior, and bearing in mind the mode of appointment of the members of Commission, question arises whether these members will be able to conduct procedures impartially, ex officio, against those who appointed them.³³

Jurisdiction and authority

The legal basis for actions of Commission is the Law on prevention of conflict of interests, adopted in January, 2009. Through such adoption, Law on determining conflict of interests ceased to be valid. New law expands the conception of public official, introduces the prohibition of “pantouflage” (transfer from public to private sector) a year after public function has been ceased, defines more precisely the concept of gift and expanded jurisdiction and authority of Commission for initiating procedure in front of Court of Cassation.

The new law additionally introduces penalty provisions for breach of the Law. These mostly include financial sanctions limited to maximum value of 1500€. In the case that breach of the Law has been confirmed, Commission may initiate request for dismissal of public official, or file a report to the Prosecution in order to determine the existence of elements of criminal offense. The authorities are obliged to act upon the request of Commission, dismiss the public official and inform the Commission about the dismissal. Commission coordinates its activities with the Prosecution and Court for offenses and has signed memorandums on cooperation with Tax Administration and Cadastre.

Efficiency and deficit of legislative framework

After the reforms in Law and the introduction of restrictions for local government officials on the membership in governing boards of companies that are located on the territory of their municipality, an increased number of decisions, relevant to membership in multiple governing boards or in private governing boards, were made. Furthermore, after the introduction of penalty provisions in the Law, number of officials that abandoned their positions increased.

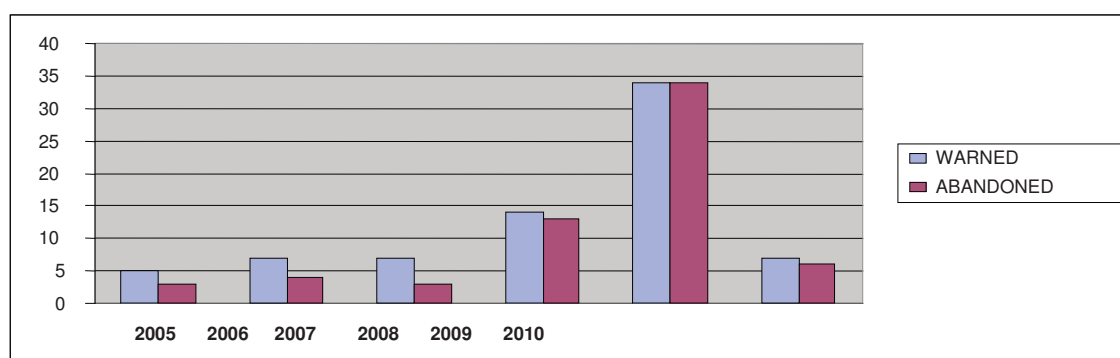
Membership in multiple governing boards or membership in “private” governing board (article 9 of Law)³⁴

- In 2005 warned 5 (abandoned 3);
- In 2006 warned 7 (abandoned 4);
- In 2007 warned 7 (abandoned 3);
- In 2008 warned 14 (abandoned 13);
- In 2009 warned 34 (abandoned 34);

³³Ibid

³⁴Presentation of the Commission for Prevention of Conflict of Interests

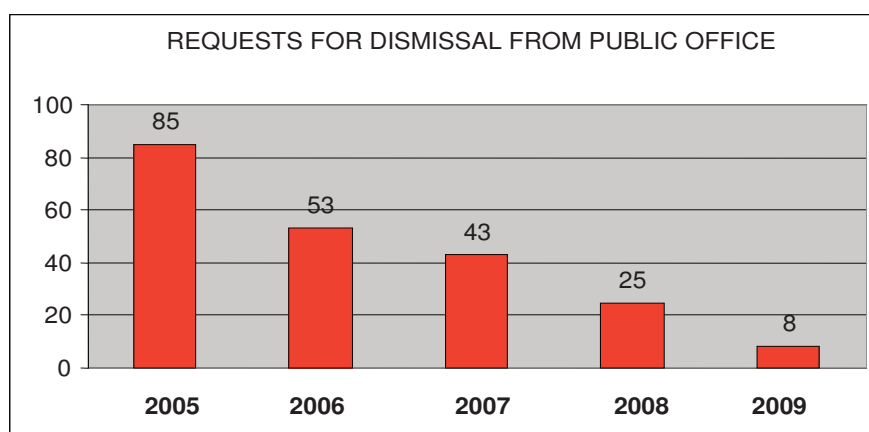
- In 2010 warned 7 (abandoned 6)



Even though penalty measurements did produce results in such cases, the problem with membership in governing boards is not completely resolved, since the Law still allows public to be members of one governing board in companies partly owned by the State.³⁵

This provision has been estimated as a “major problem” in the SIGMA report for 2009, while also being in direct contradiction to recommendations of GRECO from 2008, where it has been pointed out that it is necessary to amend previous Law on conflict of interests so that the prohibition of membership in boards extends to companies that are in state ownership.³⁶

The Commission has, within its mandate, addressed a large number of requests for dismissal of public officials to competent authorities that appointed them:³⁷



Feedback from competent authorities to Commission are rare (in 2009 it was done in only two cases). After the dismissal, public official does not have the opportunity to public office in the next four years and, in the opinion of the president of Commission, such strict sanction causes resistance

³⁵Law on prevention of conflict of interests, article 9 „Sl. list Crne Gore” num. 01/09, January 2009.

³⁶ Joint First and Second Evaluation Rounds Compliance Report on Montenegro, adopted by GRECO at its 40th Plenary Meeting , Strasbourg, 1-5 December 2008, recommendation xvi pages 13-14

³⁷Commission presentation, op. cit.

by authorities – particularly at the local level, to fulfil the decision of Commission. Law on prevention of conflict of interests, article 9, „Sl. list Crne Gore” num. 01/09, January 2009.

The Commission will therefore propose amendment of the Law in order to include new provisions which will foresee sanctions for competent authorities which do not bring the decision of dismissal, as proposed by the Commission.

Organization SIGMA (Support for the Improvement of Good Governance and Management), assesses the new law on conflict of interests, despite the amendments, as inadequate because although it is applicable to public officers and employees, its implementation and monitoring of implementation is questionable when it comes to politicians.³⁸

3.4. Free access to information

The Law on free access to information was adopted on November 8th, 2005. The implementation of this law is the responsibility of the Ministry of Culture, Sports and Media. This law is not applied uniformly, and is not respected by all the entities it refers to. Statistics of organizations that use this law most frequently (MANS; CEMI; CGO), are showing that the percentage of replied requests, since beginning of its implementation, is around 40%.³⁹

Another problem with the implementation of this law is the appeal procedure which is carried out through the procedure before the Administrative Court. Namely, decisions issued by this court are often not respected, and no sanctions are provided for violations of these decisions, nor petitions in the appeal procedure. Thus, the Court may bring a decision up to 7 times establishing that a violation of Law of free access to information has been made, and decide that the requested information should be submitted, but the institutions in question may still refuse to deliver them, without any consequences.⁴⁰

Only one person is responsible for free access to information in Ministry of Culture, Sports and Media, under whose jurisdiction falls control of Guides for Free Access to the Information, as well as responsibility to respond to requests for free access to information addressed to the Ministry.

In order to make the fight against corruption more efficient, it is necessary to increase the percentage of transparency of public and state institutions through implementation of Law on free access to information.

Current institutional and legislative framework does not allow effective application of this law, while relevant Ministry does not implement appropriate activities which would contribute to improvement of the situation in this field.

38, „Public Integrity system- assesment May 2009” SIGMA, 2009, page 2

39Statistical data gathered from websites of organizations: www.mans.co.me ; www.cgo-cce.org; www.cemi.org.me; accessed on 26.04.2010.

40http://www.slobodanpristup.com/spi/index.php?option=com_content&task=view&id=190&Itemid=19, accessed on 26.04.2010.

3.5. The National Commission for the Innovated Action Plan for Fight against Corruption and Organized Crime implementation monitoring

The National Commission for the Innovated Action Plan for Fight against Corruption and Organized Crime implementation monitoring completed its mandate in January, 2010, noting that 71.2% of the planned measures were realized.⁴¹ However, there is no mechanism to assess the quality of implemented measures, nor the possibility of sanctioning bodies that have not carried out planned activities.

During the Commission's mandate, its members met thirteen times in total. By establishment of the expert body for preparation of reports, work of Commission was improved, but this body does not provide full continuity of work.

Monitoring the implementation of the Strategy is not a job that is done periodically. Such work requires experts who work day-to-day on evaluating results and who are completely dedicated to this work.

Members of National Commission are senior officials who are too occupied with their daily activities to be able to fully devote their attention to program documents. Besides that, monitoring the implementation in some areas requires exceptional understanding of the matter, which members of the Commission lack.

The Commission has performed its function by giving political weight to the issue of monitoring implementation, but has done so without continuity of work, effective mechanisms that could improve the implementation and without expert knowledge related to areas that are followed. Thus the work of this body is rendered ineffective.

Besides monitoring the implementation of the Action plan, the Commission had a mandate to manage the entire funds for fight against corruption and organized crime and to synchronize and control work of all anti-corruption institutions. However, the Commission kept track only of the implemented measures, without significant impact to their realization.

⁴¹Sixth report of National commission for monitoring the implementation of innovated Action Plan for fight against corruption and organized crime, for period between 01. July- 31. December, 2009; February 2010, Podgorica

4. Regional perspective

Countries of the former Yugoslavia are passing, or have passed through similar integration processes and faced similar obstacles on that road. The fight against corruption is one of the conditions that stands, or that stood, in front of the each of these countries. These countries are facing the problem of corruption in a different ways, and the achieved results are indicators of success of their policies in this area.

In order to identify the key factors for success, we made a review of regional institutions which are dealing with the fight against political corruption, their best results and obstacles that they are facing. We also consulted the opinion of nongovernmental organizations from the region, which are dealing with this issue, in order to get impartial assessments of efficiency for these institutions. Review of regional anti-corruption institutions and their work will be presented in this part, while the conclusions, taken out from the analysis of regional experiences will be presented in the final part of study.

4.1. Bosnia i Hercegovina: institutional framework for the fight against corruption⁴²

Until recently, In Bosnia and Herzegovina there was no specialized agency for the fight against corruption⁴³. However, there were departments within many institutions that have been functioning and in whose jurisdiction is fight against corruption. The Central Electoral Commission stands as one of the institutions that work on anti-corruption through the implementation of the following laws:

- Bosnia and Herzegovina Election Law
- The Law on Conflict of Interest in the Governmental Institutions of Bosnia and Herzegovina
- The Law on conflict of interest in public authorities in the Federation
- The Law on conflict of interest in the institutions of the Brcko District
- The Law on Financing of Political Parties
- The Law on the Council of Ministers of Bosnia and Herzegovina

The Central Electoral Commission is a multifunctional organ consisted of six departments, which employs 69 people. The Commission is a professional, independent institution, the selection of its members is done based on call for applicants where registered candidates are ranked according to quantitative and qualitative criteria, the interviews have been conducted with them, and the Parliament makes their appointment. The appointment is made for a period of 7 years, and the CEC (CIK) members are obliged to freeze all functions, especially political, during the term. Funding of this institution

⁴²The information obtained through interviews with the president and the members of CEC of Bosnia and Herzegovina and the representative of Transparency International from Sarajevo

⁴³In the beginning of 2010, the Law on establishing the independent Agency for the fight against corruption was adopted. However, this institution has still not been formed.

is from the budget of the Republic.

It consists of six departments:

- Secretariat of the CEC
- Service for audit of financial operations of the CEC
- Cabinet of the CEC
- Department for Legal Affairs and Enforcement of the Law on conflict of interest in Bosnia and Herzegovina
- Department for Elections and IT
- Department for Financial and General Affairs

Sectors of Legal Affairs and Law Enforcement on conflict of interest are the most important for the fight against corruption, as well as the audit sector for financial business. The implementation of the Law on Prevention of Conflicts of Interest, allows the institution to have investigative powers and powers to impose the sanctions for those who are in conflict of interest. These sanctions usually consist in withdrawal of the mandate of elected officials. On the decision of the CEC can be filed an appeal to the court, but most of decisions issued by the CEC in this period were confirmed by the court, as follows: 94% of decisions on penalties that are related to corruption in the funding of political parties and 80% of decisions relating to conflict of interest.

Department for the implementation of the Law on Prevention of Conflict of Interest may initiate the procedure and conduct the investigation in cases where exists the suspicion that certain officials are involved in the conflict of interest. The Department is authorized to impose the first degree sanctions, to withdraw the mandate, and if there are elements of the criminal offense, it submits report to the Prosecutor's Office that may initiate a criminal procedure. Cases that have drawn a large attention were the cases of discharging the City Council President of Sarajevo Marina Ivanisevic and the member of bearer of the SDP party list Lidija Korac for the Centre of Sarajevo.

However, in sanctioning of cases of conflict of interest there is a problem that the Department for the implementation of the Law on prevention of conflicts of interest has the power to impose sanctions on elected officials, but has no power to impose sanctions on the appointed officials. As a result of this limitation of jurisdiction, the Minister of Foreign Affairs of Bosnia, Sven Alkalaj remained on duty, although the Court of Bosnia and Herzegovina has confirmed the decision of the CEC on the existence of the conflict of interest in his case.

In the light of these facts, the members of the CEC believe that reform of the law is needed in order to enable immediate discharge of the appointed official after pronouncement of the verdict. In addition, it is necessary to make a distinction between two kinds of conflict of interest: a conflict of interest due to incompatibility of duties and conflict of interest that brings direct financial gain. While in the past in the first plan was a conflict of interest for incompatibility of duties, members of the CEC sustains that it is needed to pay more attention to conflicts of interest from which remains the direct financial benefits to public officials.

The Audit Department is engaged in implementing the Law on financing of political parties.

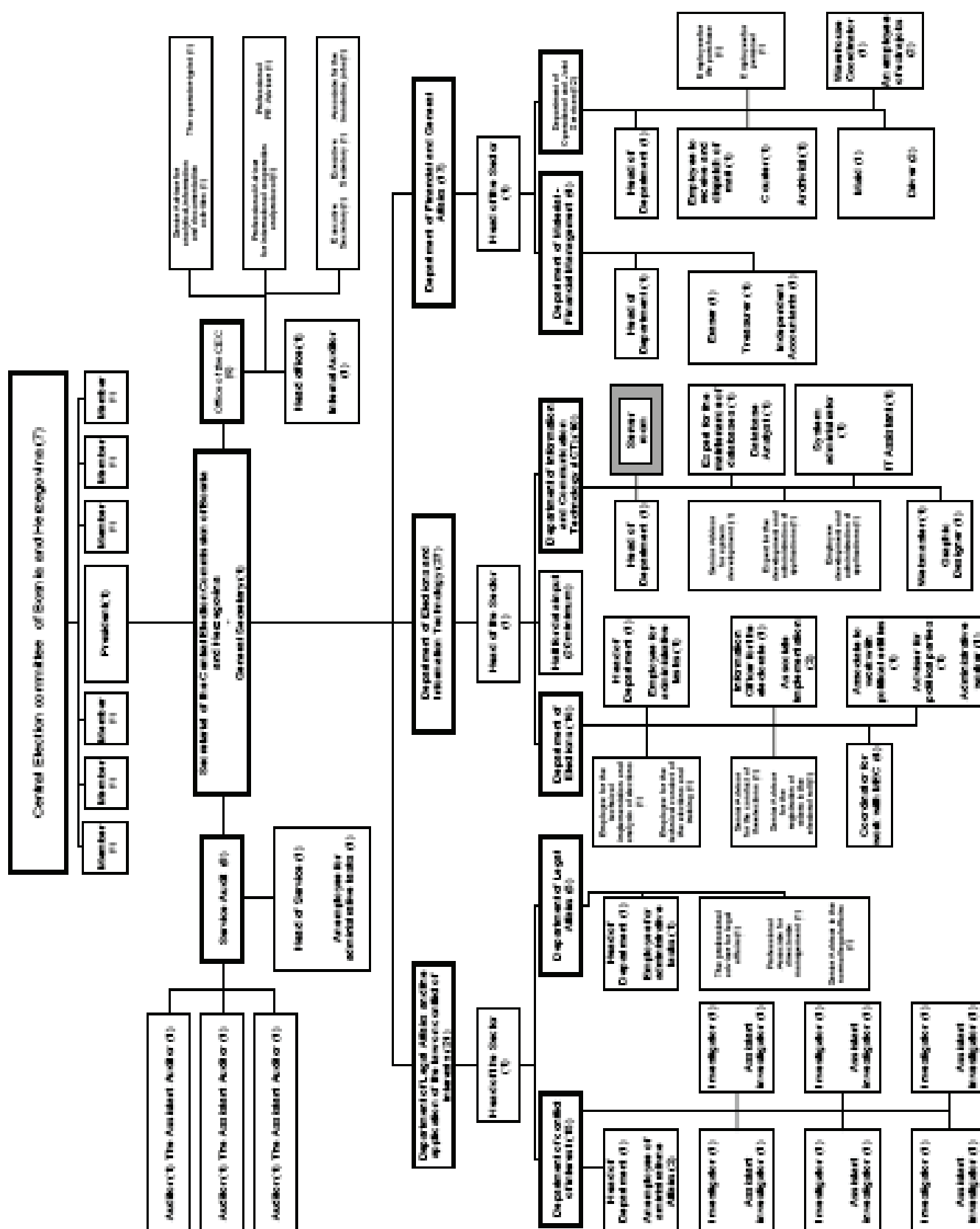
Political parties shall submit financial reports to this Department. Parties are obliged to submit regular reports and annual election and post-election reports. A preliminary report of the CEC on financing of a party is sent to that party for inspection and if the has remarks on it, the Department may revise the report or publish in the Official Gazette.

Parties are subject to sanctions if they don't submit report or for submitting of false reports and the Commission shall decide on procedures and sanctions. At second instance the Court shall decide.

All decisions on corruption in process of financing of political parties, except one, have been confirmed by the Court of Bosnia and Herzegovina. However, conduction of this law would be more complete if audit reports except the incomes, also include the expenses of political parties

In Bosnia, on the request of the EU, recently was adopted the Law on the establishment of the Agency for Prevention of Corruption. While members of the Central Election Commission believe that the Agency will conduct a large part of the work related to corruption and contribute to its suppression, members of TI BiH doubt the effectiveness of the Agency, arguing that the Law provides a narrow jurisdiction of the new Agency, mostly concentrated on education of the public.

Transparency International's proposals for increasing the efficiency of anti-corruption institutions in Bosnia are related to the coordination of different institutions and greater centralization of authority that are now fragmented. In addition, it is considered the need to give more space for participation of the civil society and NGOs in the process of drafting laws that regulate the area of corruption.



4.2 Croatia: Institutional framework for the fight against corruption⁴⁴

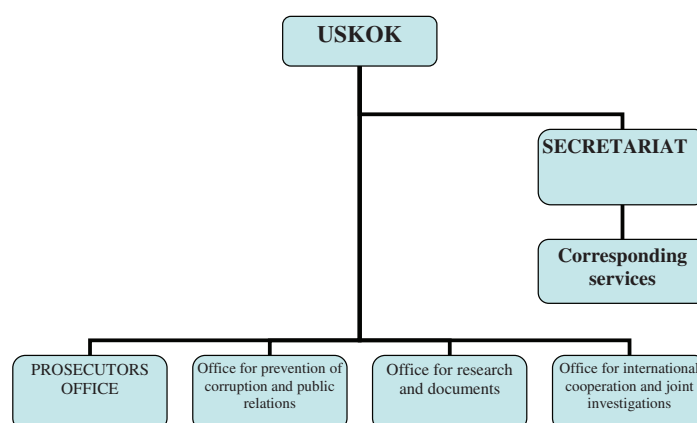
In Croatia except The Bureau for Combating of Corruption and Organized Crime (USKOK), fight against corruption is the responsibility of the next institutions: State Attorney of RC, Ministry of interior affairs, Trustee for prevention of conflict of interests, Office for preventing money laundry, Office for public acquisition, Ministry of science, education and sport- (section for inspection jobs).

However, the most significant results are achieved by USKOK, both in number of actions that were made by this Office, and in the number of cases that are resolved with their help.

Croatia does not have an independent agency for the fight against corruption, because USKOK works as a part of the Prosecution. For subjects of conflict of interests is competent a parliamentary body: trustee for prevention of conflict of interests.

USKOK is formed from the Secretariat with the following services and four sectors: Sector of the prosecutor, Sector for preventing the appearance of corruption and public relations, Sector for investigating and documents and sector for international cooperation and joint investigations. The director of USKOK is chosen by the State prosecutor, among the lawyers, with the opinion of Judiciary Minister and Attorney chamber of Croatia, in a term of four years. His substitutes are also nominated by the State prosecutor with the opinion of the director.

The structure of the Office has showed as functional, so within the police was created a special section that cooperates with the USKOK, the so called the USKOK's vertical. Also, there are specialized courts for acts of corruption and organized crime- USKOK's courts. This way secures a full institutional coordination, so it covers the whole process: from investigations, through adjudication and imposing measures, to the repressive measures.



The Office is established by the Law on Office for suppressing corruption and organized crime. Within the Law are prescribed also the competences of the office, that has jurisdiction over the spectrum of criminal acts from the field of corruption and organized crime, like: abuse in the process of

⁴⁴Information was obtained from the internet page of the Bureau, and through interviews with the representatives of NGO GONG, NGO (M. Podumljak) and Transparency International from Zagreb.

bankruptcy, unfair competition in foreign trade business, abuse of public position, illegal mediation, bribery, bribery in trade business and abuse of authorities.

USKOK has broader investigation authorities than other anti corruption agencies in the region. The Office special powers only in cases when it is necessary, with a court order, on request of the state prosecutor and when exists a reasonable suspicion that a criminal act is made, from the catalogue of criminal acts of the Croatian LCL. These authorizations must be limited in duration, they are implemented by police forces, and they include: surveillance and technical recordings of phone conversations and other communications from far away, interception, collecting and recording of computer data; entrance in rooms for observing and technical record of the rooms; secret monitoring and record of persons and objects; use of hidden investigators and trustees; simulated selling and redemption of objects and simulated bribery; giving simulated business favors or assembling simulated legal jobs; over watched transport and delivery of criminal act subjects. These kinds of authorizations gave many results, from which the most famous action is Manager in which is arrested the ex vice-president of the Government Damir Polančec, and actions Index 1 and 2, case Dubai, case Gruntovec, etc.

The issue of conflict of interests is under the competence of the Trustee for prevention of conflict of interest, which consists from 7 members that between them chose the president. The members of the Trustee are nominated by the Croatian Parliament by the proposal of the Committee of selection, nomination and administrative work of the Croatian Parliament, with the term of 7 years. The members of the Trustee ranked from the representatives of the Croatian parliament are elected during their term in Croatian Parliament. Four members of the Trustee come from the line of the representatives, and other members are prestigious public officials. Two members of the Trustee cannot be from the same political party, and the president of the Trustee cannot be a member of the party in power.

Surveillance of the implementation of the Strategy for fight against corruption is done by the Trustee leaded by the president of the Government Jadranka Kosor. In the Trustee session of this year it is concluded that there have been made significant moves in the processes of state revision and public acquisition and that the measures from the Action plan from 2008 have been fulfilled by 80%.

Civil sector in Croatia is not completely satisfied with the functioning of the anti corruption system. The director of the Partnership for social development in Croatia considers that the process of nomination and financing of the Office does not satisfy the needed level of independency of this institution. He also highlights that in Croatia does not exist an adequate mechanism for security of „whistleblowers“, that the free access to the informations is limited, especially in cases of public acquisition and property status of the functionaries, and that does not respond to the notifications of corruption that are appointed to the civil sector.

Also there is underlined then even though the statistic of resolved cases is good, it is not possible to come to the higher levels of the government, nor initiate a procedure against corrupted persons that have a strong political background.

Civil organizations brings in the question of independence of the trustee for conflict of interests, because half of the members of this body are members of the Croatian Parliament. Even though they consider that the authorizations of the investigative bodies are broad enough, these organizations consider that the sanctions that are imposed for conflict of interests are being too soft, because they

are short termed and they predict low financial penalties (the most three months, and the highest final amount of penalty is 8 000 kuna).

From the nongovernmental organization GONG they consider that that situation has been improved since the Croatian Government is headed by Jadranka Kosor, that also took the place of the chairman of the trustee for observing the Strategy for suppressing corruption. The President of the Government of Croatia leads the policy of zero corruption and showed readiness to take steps, both in reform of legislation, and reform of institutions, to ensure the efficient suppressing of corruption in Croatia. According to the opinion of civil sector, the legislative framework should be reformed toward the increase of sanctions for corruptive acts, regulation of financing of election campaigns and go from the declarative political will for suppressing the corruption in efficient battle, that would not spare even the highest officials.

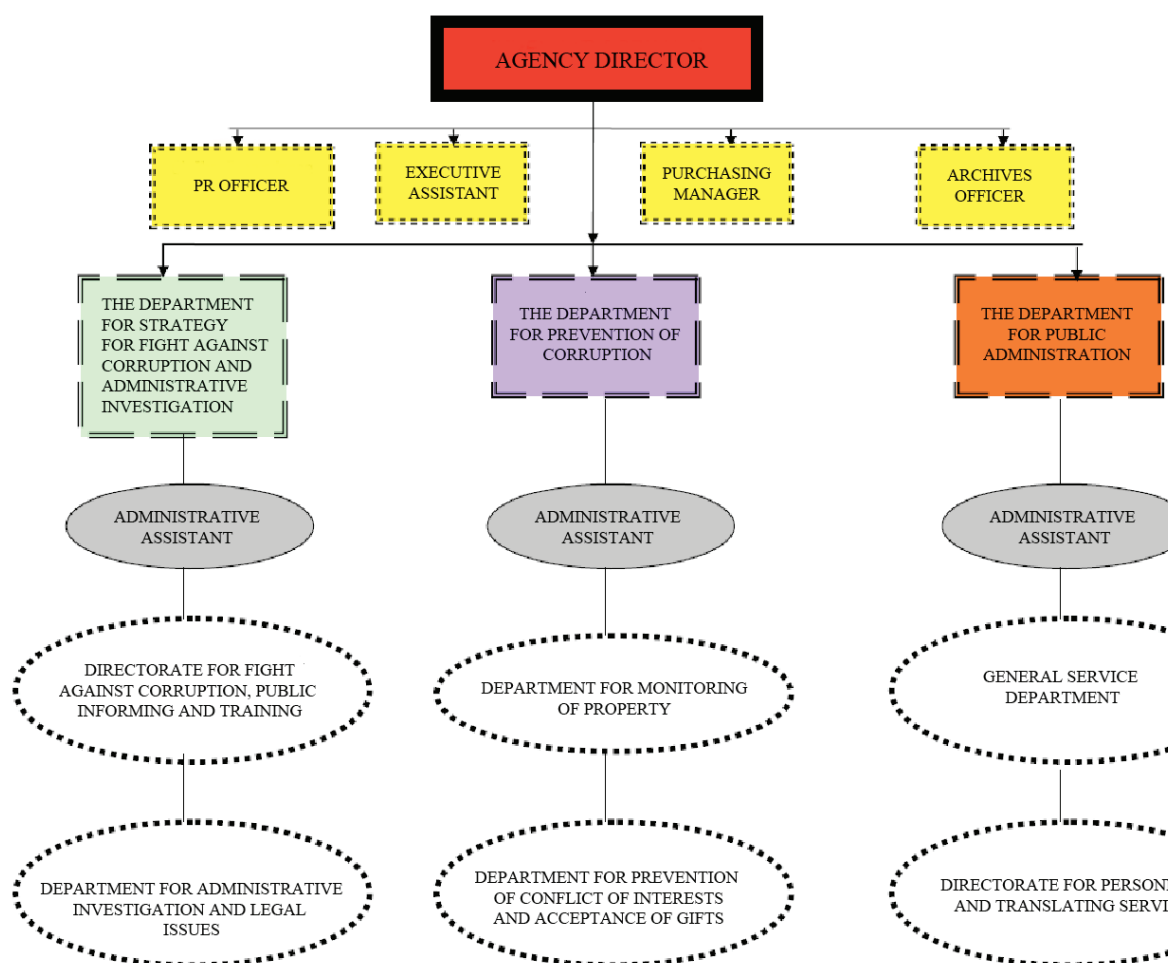
4.3. Kosovo- institutional framework⁴⁵

Anti-Corruption Agency of Kosovo was established in 2006, according to the Law on combating corruption. Work of the Agency has been regulated by the Law on Anti-Corruption Agency, and it is responsible for implementation of the Law on control of incomes of civil servants and the Law on Prevention of Conflict of Interest. The Agency is also responsible for monitoring of the implementation of the Strategy and Action Plan for the fight against corruption.

Director of the Agency shall be elected by the parliamentary committee, while the officers are elected according to the Law on Public Servants. The Agency is funded from the budget. The Agency is composed of three parts: a part for investigation and monitoring of the implementation of the Strategy and Action Plan, a part for the prevention of corruption and administrative part. The Agency has 35 employees, and aims to increase capacity.

Anti-korupcijska agencija Kosova je osnovana 2006, na osnovu Zakona o suzbijanju korupcije. Rad

⁴⁵The information obtained through the conversation with the manager of the Agency, Mr. Mentor Borovci, and with the representatives of NGO COHU in Kosovo



The Agency exercises control over the revenues of officer and has the authority to propose monetary penalties if the employee fails to report incomes or if during the report he/she hides a part of the income. Also, the Agency has the right to propose monetary penalties as well as the right to release officers who are found to be involved in a conflict of interest. Annual reports are submitted to the Parliament and published on the website of the Agency.

If the elements of the crime are discovered, the Agency forwards the charges to the prosecution. So far this cooperation was at the low level, because of the delay of prosecution, or the prosecution hasn't considered the charges received from the Agency. However, this cooperation has been improved by establishment of the new working groups that are consisted of the representatives of the Agency and prosecution.

The management of the Agency believes that legislative framework is satisfying, and that will expand over time, but currently it does give them enough authority and power. In 2009, the Agency has processed 175 charges, of which 168 was forwarded to different prosecutions. From this number, 60 is in the process of investigation, in 5 cases has been filed suit, 5 arrests have been done, 36 charges have been dismissed, and for 62 charges, that have been forwarded to relevant prosecutions, there is no feedback.

The Agency is more successful in the area of control of the incomes of public servants, than in prevention of conflict of interest. In this area, even warned officers don't respect the requests to

leave one of the positions. One of the biggest obstacles in the work of the Agency is functioning of the judiciary system, which has a lot of old cases and doesn't process the cases submitted from the Agency. The management of the agency believes that the judiciary system has been out of date, and it is needed to increase the number of prosecutors and to introduce trainings for judges.

According to one of the directors of departments, Kosovo is still recovering from a war and ending the transition. Radical reforms are necessary and now, slowly, it takes steps in that direction- now capacities are being established. The Agency, as well as all the young institution, are facing problems in their work, but it will stabilised and become one of the supporting pillars of a democratic society in Kosovo.

The Agency believes that relationship with civil sector is good and that it is available for civil sector to participate in creating and monitoring of the implementation of the Strategy. However, there are some big complaints on the work of the Agency submitted by this sector (the organization COHU). Members of this organization believe that institutions in Kosovo are not independent enough, as in the way of election of the members, and also in the way of financing. Besides that, they believe that the Government pressures the Agency in its activities.⁴⁶

Representatives of the organization COHU believe that legislative framework for the fight against corruption is not well created, all authorities of the Agency are narrow, financial penalties are too low (up to 3000 Euros) and that the Law on conflict of interest is not in accordance with the real provisions of the EU countries and countries from the region.⁴⁷

It is also pointed out that the resolved cases of corruption are mainly related to the officials of lower and middle rank while officers on high positions of the state administration can perform corrupt practices without the fear that will be punished.

For free access to the information is responsible the Ombudsman office to which are submitted complaints on the unanswered requests, but this system works poorly and most of the request remains unanswered.

The organization COHU has several times proposed changes on the Law on financing on political parties and it has also proposed the adoption of the new Law on public servants. However, these suggestions have not been adopted, which shows that the system of Kosovo is still closed for civil initiatives.

4.4. Macedonia – institutional analysis⁴⁸

Macedonia, apart from governmental bodies that among theirs responsibilities have suppression of corruption, also has an independent body that deals with the same issue – the State Committee for

46In 2008, the Agency has reported 22 cases that were related to the Government. However the Prime Minister has called the Director of the Agency after what he gave a statement that these cases are related to the former Government not the current Government.

47The Law on conflict of interest in Kosovo allows officials to own 20% of some company.

48Information gathered in interview with the Secretary of DKSK, Mrs. Sofka Pejovska Dojčinovska, as well as the President of Transparency International Slađana Taseva, a former member of DKSK

the prevention of corruption, established in 2002 by the Law on prevention of corruption. The Commission has twenty two employees, of which fifteen are employed in the Secretariat of the Commission, which works on regular basis, while seven members of the Commission meet periodically. The existence of the Secretariat as an administrative body provides stability and continuity in the functioning of the institution. Commission members are elected in the Parliament among the lawyers and economists for a period of five years, who despite their work in the Commission have also regular jobs. This was done in order to ensure the independence of the members of the Commission, because their income is not dependent to the work in the Commission. The President of the Commission has a one year mandate, and is elected from among the members, with the aim to prevent the influence of one man on the work of the Commission. This institution is financed from the budget of Macedonia. The Secretariat has two divisions: Sector for prevention of corruption and conflict of interests and sector for programs, analysis, international cooperation and administrative tasks.

The State Commission has jurisdiction to control the financing of political parties, conflict of interests, the functioning of economic entities, corruption in the electoral process, and to investigate cases of abuse of state resources and public funds, cases of corruption in the conduct of public affairs and matters of public interest. Additionally, the Commission makes an annual program to fight corruption and monitor its implementation. The Commission monitors the implementation of the Strategy for the fight against corruption and the Action Plan, submits reports on semi-annual basis, while yearly it organizes a conference where announces the results of the implementation and recommends introduction of new measures.

The State Commission acts upon applications of citizens and institutions, by its sole discretion, and investigates complaints from the media about the possible presence of corruption. These cases are divided among the members of the Commission, by subject. Cases are handled by professional staff from the Secretariat, who together with the members of the Commission, submit a paper that is presented during the sessions of the Commission.

If basis for suspicion are determined at the session, the Commission initiates and forwards reports to the competent institutions. If the latter approve, depending on the offense committed, sanctions are applied or criminal proceedings initiated. During the year, the State Commission processes hundreds of cases and runs about 30 to 40 initiatives for prosecution. With amendments to the Law on conflict of interests, the State commission receives the power to impeach officials that are involved in conflict of interests.

Thanks to such powers, the State Commission managed to solve a large number of cases, from cases such as the Bačilo affair ⁴⁹, to cases of nepotism – when the director of the Fund for Health was dismissed, who influenced the hospital administrator to hire his wife. All involved in this case were deprived of their position.

General Secretary of the Commission considers that the inter-institutional communication and cooperation is at a very high level. The State Commission, in addition to legal obligations to cooperate with the other institutions, signed a protocol on cooperation with 17 institutions. This institution has

⁴⁹During the Bačilo case, DSKS revealed, using reports from State Audit Office, that compensation of 720 000 eur was awarded illegally, and has launched proceedings against 20 public servants, lawyers, judges, veterinarians and police officers, while the judge Snežana Popčevska was relieved from duty.

a right to access all documents of all other bodies, thus it is able to effectively monitor and supervise their work. In the cases where an institution refuses to cooperate, DKSK submits urgency directly to the cabinet of Prime Minister. Coordination is achieved through continuous communication with other bodies in the eight years of existence, so today the Commission has specifically determined place in the institutional framework of Macedonia.

DKSK and civil sector representatives argue that the legislative and institutional framework for fight against corruption in Macedonia is good, only raising the issue of the implementation. As obstacles in work, they highlight lack of funds – not in the sense that work of State Commission is financially limited, but that financial resources committed to all state institutions are generally small, which often lack funds to implement development of the projects, conduct researches, etc.

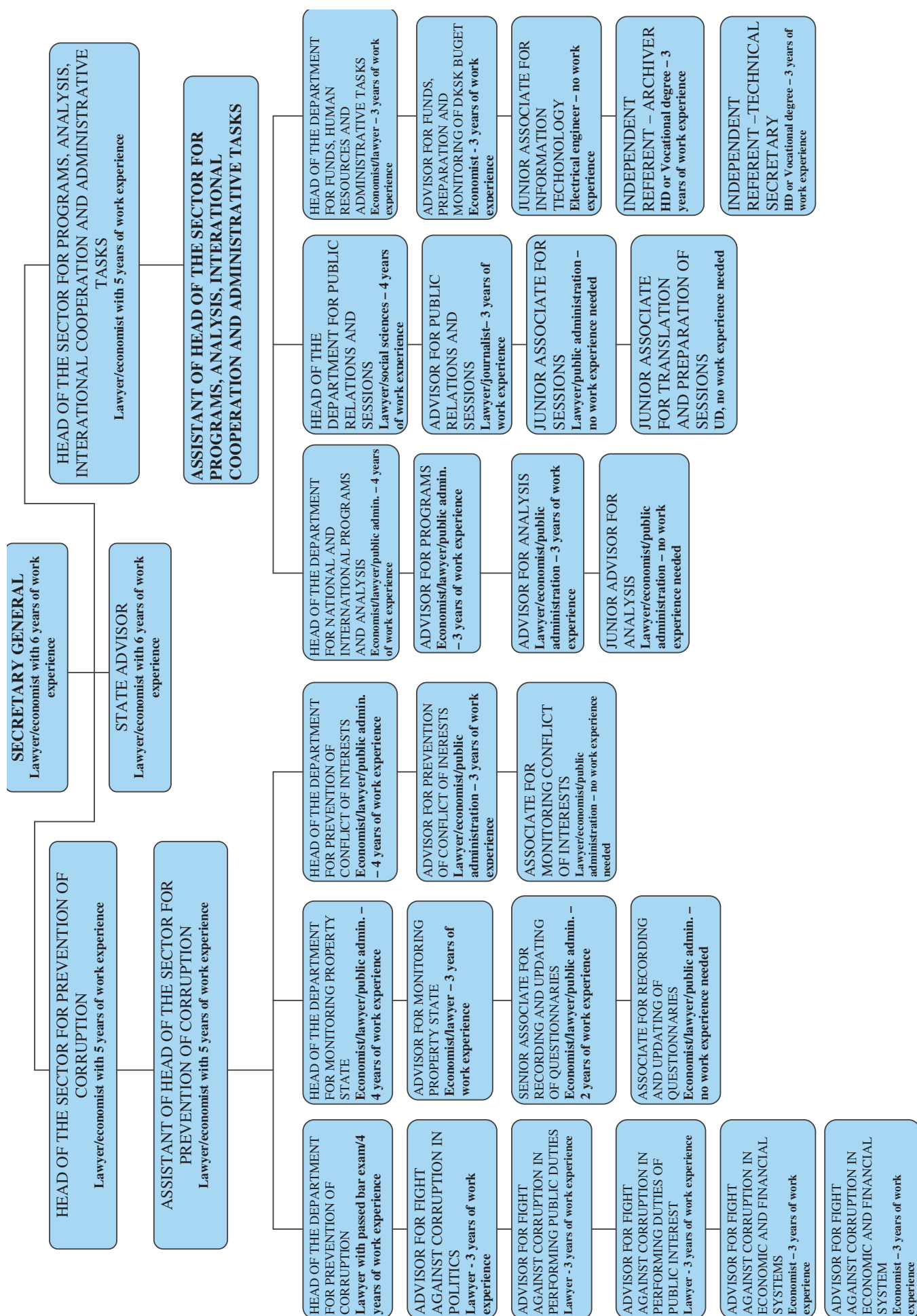
In opinion of the representatives of the Transparency International in Macedonia, a lot depends on the integrity of persons leading the institution and members of the Commission. The system of appointment and legislative framework that regulates the field of corruption, provides sufficient independence, but the current composition of the Commission is not strong enough to counter the political influence and therefore faces public' criticism for allegedly being an apologist and the extended arm of the Government.

Representatives of this organization explicate that the obvious difference in the functioning between the first and second composition of the Commission is that second submits much smaller number of applications and that their cooperation with the Prosecution is at a low level and that they avoid to initiate proceedings against officials in power. Further, the second composition of the Commission has not complied with the procedure of selecting the President with one year mandate, but the same person is holding that position for three years now.

The problem identified by the civil sector is growing politicization of institutions and lack of strong personalities who would implement laws against corruption, regardless of the pressure that exists.

The cooperation between the State Commission and NGOs varies from one period to another. The Commission acts on applications that are submitted by these organizations and collaborate on specific projects, but the number of organizations dealing with this issue is low, since corruption is a complex issue that requires a great amounts of energies and involves risk.

Cooperation with the international organizations for the fight against corruption in Macedonia is at a high level. Reports submitted by GRECO and European Commission testify that Macedonia has fulfilled the most of the recommendations and that in the area of anti-corruption policy has made the great progress.

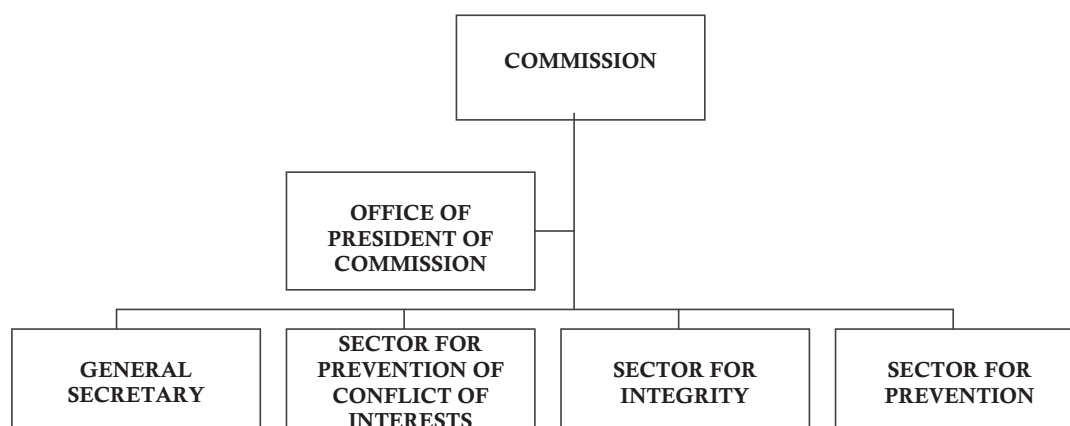


4.5 Slovenia-analysis of the institutional framework ⁵⁰

There are a few independent institutions in Slovenia that have authority, among the rest, to suppress corruption: the State Audit Commission, Officer for information of a public importance, Administrative Court. Besides these institutions, the main independent body that has the authority to fight against corruption is the Commission for prevention of corruption.

The Commission for prevention of corruption was established in 2004, by the Law on prevention of corruption. The Commission is consisted from the cabinet of the president, general secretary and three sectors: Sector for integrity, Sector for prevention and Sector for prevention of conflict of interest. The commission has three members, the deputy of the president and the president of the Commission. The president and his deputy are appointed by the president of the Republic, from the rows of experts, and some of the members are appointed by the Court Council, Commission of the Parliament of Slovenia and the Government.

Organizational chart of Commission for corruption prevention



The funds for the work of the commission are from the budget of the Republic, proposed by the Commission. The Commission decides on expenses by itself. Although the Commission itself proposes the amount of financial funds for its work, in principle the Government makes a decision on how many of funds are going to be delegated to this institution, so the Government of Slovenia, from year to year has been reducing the budget of independent institutions, and additionally over the pay reform has reduced personal incomes of employees in these institutions for up to 25-35%.

The Commission has the right to warn public officials who are involved in conflict of interest, to leave one of the functions that they have been on – and until now, in all cases, public officials have respected the warnings of the Commission. There has been only one case where was proved that representative to the European Parliament was involved in the conflict of interest and she was discharged of the duty.

⁵⁰The information obtained through the interview with the President of the Commission for prevention of corruption, and the president of GRECO, Mr. Drago Kos and the representative of Slovenian civil organization of Integrity, Mrs. Simona Habić

The Commission has initiated a procedure four times against public officials who have not been submitted the reports on their properties. One charge was dismissed; two ended in negotiation between the Prosecution and public officials against who procedure was led, and the fourth is still being in the process. A several times was proposed reduction of the salaries for the officers who did not submit reports on property in time, but they have submitted the reports before the sanction could be conducted.

The commission for prevention of corruption has also shoved the efficiency in the number of areas: from a small cases (as the case of exposing of workers of Social Service)⁵¹ , through the major processes such as the sale of Mercator and sale of the timber from forests in Slovenia, to the big scandals such as stopping of the entire project of building a windmill because of the irregularities in the process of public procurements, completion of the case Šuštar⁵² and scandal Patria (Process of procurement of armored vehicles for Slovenia, where was discovered acceptance of bribe from foreign suppliers).

Legislation that regulates the area of the fight against corruption and area of corruption in general is in responsibility of the Committee of the Parliament for internal policy and The Commission of the State Assembly. The Committee of the Parliament was against existence of the Commission, so in 2006, was adopted the law of previous Government which abolishes the Commission. On the Constitutional Court this decision was shot down, after what, the Commission continued with its work.

The Commission of the State Assembly has proposed the Law on integrity 2007, which has not passed, and now it is again in the process of adoption. Two times has been proposed and the Law on publicity of the property of state officials, which was denied both times.

The change of the Government, lead to the change of policy in the fight against corruption, so the progress in this field is expected, especially in the direction of expansion of the authorities of CCP. The President of CCP foresees that soon the powers of CCP on administrative type of investigation. The Commission will soon be able to propose sanctions and (kako se kaze izrice) judgments. In general, it will get all the powers other than repressive, which still remain under the responsibility of the police. In this way the Commission intends to overcome the criticism that the “tiger without teeth”, or that is able to detect corruption, but that it is unable to ensure the effective sanctioning of the same. The Commission has begun to achieve a better cooperation with the state authorities, such as the Ministry of Internal Affairs and police, after dismissal of the Government. In the past period that cooperation was at a very low level, due to the unwillingness of the Government to engage in the fight against corruption.

CCP represents one of the main contact points in the region for many international organizations which are dealing with the fight against corruption.

As for the civil sector, there is only one organization that deals with the issue of combating corruption in Slovenia - Society for ethic public action - Integrity. This organization slowly grows into

⁵¹Social service officers, have taken away two children from their mother, without legal basis, because father of the children has offered them a bribe. Commission succeeded to prove that father has bribed officers, and children were returned to their mother.

⁵²Boris Šuštar is a former State secretary in Slovenia, caught in the 2002 while he was accepting bribe. In 2007 he was sentenced to six years of prison and tried to escape in Canada, which extradited him in the October of the same year.

the Slovene part of Transparency International. The Cooperation between the Commission and the organization is at the high level, given that the Commission has helped the organization in realization of various projects and provided them rooms for work. Representatives of both, the Commission and the civil society believe that the commitment of the Government in this regard could be higher, and that the Government could finance up to 20% of the projects of civil sector, aimed to combat corruption.

Organization of Integrity believes that in the view of combating corruption actions of the Commission for preventing corruption are commendable, as well as of the other independent institutions which deal with this issue: Commissioner for access to information of public importance, ???? and the State Audit Commission. The activities of these institutions contribute the strong personalities who lead them, and who are chosen from among professionals and able to resist political affluent to which they are being often exposed.

This organization points out, as the main shortcoming, the lack of coordination of these institutions with the state institutions, such as the prosecution and the police, the lack of clear political will to curb corruption and inadequate legislation.

Due to recession, the perception of people is changing also, public opinion trust in these institutions decreases, and at the same time there is no willingness to start a civil initiative.

It is underlined that for the effectiveness of any anti-corruption institution it is important the figure that leads the institution. If this person has a strong character, the necessary "loudness" and integrity, seems that the institution will work better and higher. According to the representatives of these organizations, Slovenia at the forefront of independent institutions has a strong people that contribute that the fight against corruption in Slovenia gives good results. As one of the shortcomings it is pointed out the lack of professional journalism, which would contribute to transparency and encourage civic initiatives which are in Slovenia currently at the very low level.

4.6. Republic of Serbia: institutional framework the for fight against corruption⁵³

In the Republic of Serbia, within the state institutions, there are several institutions tghat are dealing with the fight against corruption: the Agency for the fight against corruption, Council for the fight against corruption, Directorate for public procurementss, Republican board for resolving of conflict of interests, Trustee for the information of public importance and the Customs administration of Serbia. However, the only institution that is exclusively competent for the fight against corruption and that functions independently from the Government is the Agency for the fight against corruption. The Agency is an independent body, established by the Law on Agency for the fight against corruption, that

⁵³The data are obtained through the interview with Cedomir Cupic, PhD, president of the Board of the Agency, Radmila Vasic PhD, a member of the Board, representatives of NGOs CESID (Djordje Vukovic) and Transparency Serbia (Nemanja Nenadic)

was adopted by the Parliament of the Republic of Serbia on 23rd of October, 2008⁵⁴. For conduction activities for its jurisdiction the Agency is responsible to the the National Assembly.⁵⁵

The Agency is responsible for suppressing the corruption through the implementation of the following laws: Law on Agency for the fight against corruption, Law on financing of the political parties, Rules on systematization, and the work of the Board of the Agency for the fight against corruption, Law on confirmation of the additional protocol with the criminal and legal convention about corruption, Law on ratification of Convention of UN against corruption, Rules on the register of functionaries and register of the property, Rules on content of evidences and reports of political parties and opinions and directives for implementation of the Law.

The key authorities of the Agency are: surveillance over the implementation of the National strategy for the fight against corruption and Action plan for the implementation of the Strategy, as well as the action plans of the sectors, then resolutions of conflict of interests, managing the register of public officials and register of properties and the income of the public officials, implementation of the jobs harmonized with the Law that regulates the financing of political parties, providing directions for the production of integrity plans in public and private sector, conduction of the program of training on corruption in accordance with this law. Also, the Agency has a very important role in implementation of the National program of integrations in the part that refers to the field of justice, or in the area of the fight against corruption, and at the same time it's bearer of all the jobs that refer to the security of the full implementation of the ratified Conventions of UN and Council of Europe, as well as the adopted laws in the area of the fight against corruption.

The bodies of the Agency are Board which is made of 9 members and the director. The Board is constituted on 15th of April 2009, and it has 9 members elected by the Parliament of Serbia, based on the proposals of the authorized proponents (the Administrative board of the National Assembly, the President of the Republic, the Government, Supreme court of cassation, State Audit institution, the Ombudsman and Trustee for information of public importance, through agreements, Socio-economic Council, Bar Associations of Serbia, Association of journalists in the Republic of Serbia, through agreement). The members of the board are university professors, journalists and prominent lawyers. The Law clearly defines that a Board member cannot be a member of a political party and he is responsible for the same duties and banned from the same activities as public officials.

Key authorities of the Board are: electing and dismissing the director of the Agency, decides by appeals on the decisions of the director to whom measures have been imposed in accordance with this Law, adopts the annual report of work of the Agency that is submitted to the National Parliament, supervises the work and property status of the director, suggests budget resources for the work of the Agency, brings the rules on its work.

The director represents the Agency, manages the work, organizes and provides the legal and efficient representation of the activities of the Agency, makes decisions breach of the Law and pronounces the measures, prepares the annual report on the work of the Agency, drafts the proposals of budget resources for the work of Agency, brings general and individual acts, decides about the rights,

⁵⁴The Law on Agency for fight against corruption came to force on 1. January 2010.

⁵⁵The Agency must submit annual reports to the National Parliament, at the latest, by 31. March of the current year for the previous year.

duties and responsibilities of the employees of the Agency, implements the decisions of the Board of the Agency and conducts other activities determined by the Law. The Law provides that as a Director could be elected a person that fulfills the general conditions for working in the state bodies, has a degree in law and at least ten years of work experience and that is not convicted for a criminal act that makes him unworthy of conducts duties as the director. The director as well cannot be a member of political party. The Agency has a Deputy Director that is elected by the Board of the Agency on the basis of call for applicants.. The mandate of the Deputy ends when the new director is elected.

The Agency has adopted the Rules on interior organization and systematization of working posts of the Agency, where 60 working places are systematized,⁵⁶ state officials and 3 employees. According to the Rules, there have been established sectors as the interior units of the professional service: Sector for prevention and Sector for operational activities. beside the sector, there are other services in order to efficiently conduct the activities from the area that are beyond the sectors structure: The Office of the Board, The Office of the director, The Service for international cooperation, The Service for public relations and The Service for general activities.

The Agency has status of the legal body. Funds for the work and functioning of the Agency are ensured from the budget of the Republic of Serbia, on the proposal of the Board of the Agency, and also from the other sources as well, in accordance with the Law.

During the implementation of the activities from its competences the Agency cooperates with the state bodies, bodies of territorial autonomy and local self governance, public services⁵⁶, then non-governmental organizations and representatives of international organizations in the country. From the state institutions, the Agency especially highlights as a very important the cooperation with the Trustee for information of public importance, Ombudsman, Administration for public procurements, State Audit institution and also the Special police (in cases of organized crime and corruption), Special prosecution, Special court, etc. Especially is important the cooperation that the Agency maintains with the nongovernmental sector, and in that sense the Agency states as a very useful and important cooperation with the NGO Transparency Serbia⁵⁷ and NGO CESID, as organizations that significantly supports the Agency in implementation of the projects in the area of the fight against corruption. On the other side, many international subjects have showed interests in the work of the Agency, among them in first place are OSCE, GRECO, UNDP, Council of Europe, delegation of European Commission, Slovenian Commission for suppressing the corruption, representatives of the Hong Kong Agency. Also, the Agency develops the cooperation with the similar bodies from the countries in region.

While the representatives of the Agency believe that its activities shouldn't be expanded, but that it is necessary to support its work by the all institutions in the state, first to respect its decisions, opinions and attitudes in interpretation of the Law, nongovernmental sector believes that the Agency should expand its powers when it comes to monitoring of the financing of the political parties.

⁵⁶State bodies and organizations, bodies of territorial autonomy and local self governance, public service and other legal bodies that have public competences are obligated that in the request of the Agency, within the 15 days, to deliver all documents and informations that the Agency needs for doing the job under their competences.

⁵⁷NGO Transparency for the needs of the Agency did the analysis of fulfillment of the National strategy for fight against corruption and Action plan for its implementation. On other side, the representative of this organization is a member of the Working group of the Ministry of justice for the production of the Law on financing the political parties

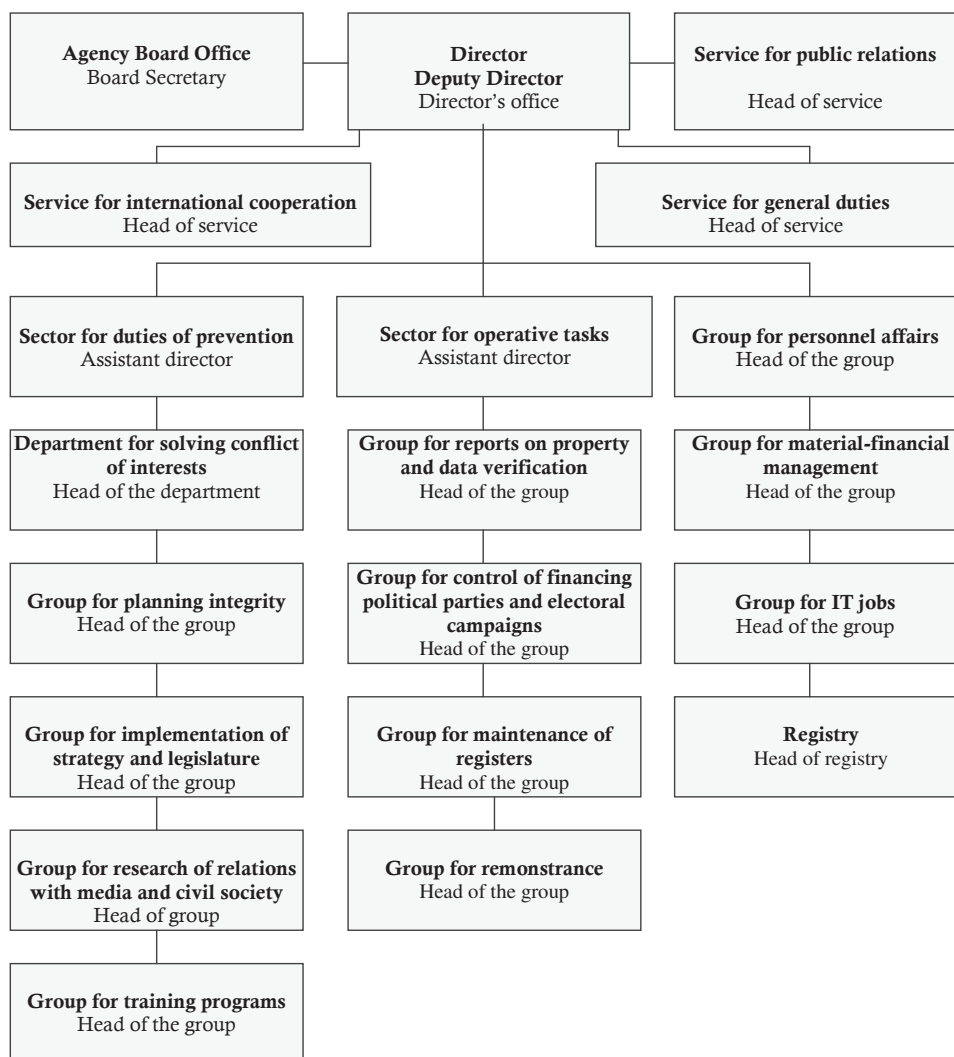
On the other side, there is unique attitude that the Agency has many authorizations and there is the open question will it succeed with its capacities to be efficient in every field that it has the authority. In that context, nongovernmental sector is pretty skeptic about the success of the Agency to realize all duties, especially because the Agency represents a preventive body without any executive power. Even some members of The Board of the Agency believe that the present policy of the Agency for suppressing corruption is not efficient enough and that is not done properly, and that explains that each new convocation of the Government approaches this issue by its point of view starting from the beginning, and not respecting in fully and seriously what has been done before. and then will be visible the efficiency of prosecutions and courts in processing the cases which have been forwarded to them by the Agency

Although, we could say that, starting from the fact that the Agency has started working from the 1st of January, 2010, when the implementation of the Law on Agency for the fight against corruption has started, it is still early to talk about its achievements and predict its efficiency in the fight against corruption. ,related to that, it remains an open question will the current public officials, that should fulfill the obligations by the Law on incompatibility of functions,⁵⁸ about reducing one function and eventually asking for consent for conducting another function, activities, taking seriously the authorizations of the Agency⁵⁹, "will it come to the measurement of a sort of strength between functionaries and the Agency, behind what, in fact, always is present the tensivity between politics and law".⁶⁰

58With the Law is provided that the functionair can do only one public function, and that functionair can do other public function only with the consent of the Agency

59The Agency leads the following evidences: Register of the functionatier, register of the property; list of legal bodies in wich the functionair is owner fo more than 20% of the actions, cathalogue of gifts, the final bills of political parties with the reports in accordance with the law which regulates the financing of political parties.

60Declaration from a member of the Board of the Agency for fight against corruption, prof. Dr Radmila Vasić.



5. Available options-scenarios of problem resolution

In the focus of our analysis, as we have already mentioned, are the institutions that under their jurisdiction have: integrity plans, monitoring of the implementation of National Strategy and Action Plan for the fight against corruption and organized crime, training programs, prevention of the conflict of interests, data collection on assets of the public officials, control of the financing of political parties, free access to the information and keeping registries (of assets of public officials, financial reports of political parties) Current institutional framework foresees that this activities are dispersed among: National Commission for monitoring of the implementation of the Innovated Action Plan for the fight against Corruption and Organized Crime, Directorate for the Anti-Corruption Initiative (DACI), Commission for prevention of the conflict of interests, State Electoral Commission, Ministry of Culture which implements the law on Free Access to the Information, Ministry of Finance, i.e. its Auditor who controls financing of political parties and electoral process. These scenarios are excluding issues of public procurement, money laundering and prevention of financing of terrorism. Besides listed jurisdictions, it is expected that analysed institutions widen their activities with creation of integrity plans and implementation of Law on lobbying, which would increase responsibilities in their work.

Main question in this policy proposal ***is how to make existing system of anti-corruption institutions more effective, with rationalization of existing budgetary funds.***

In this policy proposal, we exposed three scenarios: besides status quo which presents continuance of functioning of the existing system, other two scenarios are considering transformation of the existing system of institutions: trough creation of two institutions that would cover the area of political corruption (Agency for the fight against corruption and State Electoral Commission) which would replace several existing institutions and, depending on scenarios, would possess different degrees of jurisdiction and resources. In the second scenario, jurisdictions are shared between these two bodies, both with wide jurisdictions and strong powers, while in the third scenario all these anti-corruption actions are concentrated within one, strong institution, with significant resources and wide jurisdiction, while other covers only minimum of jurisdiction with its mandatory professionalization.

5.1 Scenario 1 - Status quo

The first scenario presents maintenance of the existing system of anti-corruption institutions with partial widening of jurisdictions. We consider that existing system represents an obstacle for the effective fight against corruption. Current system is outsized, with institutions of diminished jurisdiction, with serious limitations, like for example lack of investigative capacities that that would be in function of verification of the data offered in the reports of the political parties, and electoral candidates, or public officials that must report assets. Quite restricted jurisdiction of the existing directorate for Anti-Corruption initiative is not compatible with existing needs. Human and technical resources are dispersed trough numerous institutions, so that available resources aren't put into use in the right way.

Large dispersion of jurisdiction causes loss of responsibilities, and efficiency of these bodies is at the low level.

After majority of measures in the sphere of legislation definition, foreseen by the Innovated Action Plan, were realized, unsatisfying level of the implementation of these laws, through actions of these institutions, was additionally emphasized. International organizations, especially the European Commission in its Reports on Progress, are registering limited progress; with persisting accentuation that current institutions are not achieving desired results. Taking into consideration all these evidences, as well as the presented assessment of the current situation, we deem that this scenario should be excluded from the further consideration, since the practice has proven that it is not producing expected results.

Adding another link to the knotted chain of Montenegrin anti-corruption institutions wouldn't contribute to the efficiency and it would additionally burden the Budget. Such move would show that efforts for curbing corruption are the result of the external pressure, and not manifestation of true determination to eradicate this harmful phenomenon. Establishment of one more institution would be just one in the row of actions aimed on acquisition of political points in international community.

5.2 Scenario 2 – Partial centralization

This scenario foresees number of jurisdictions shared between two institutions: The Agency for the Fight against Corruption and State Electoral Commission. Besides establishment of the Agency it is necessary to bring a new Law on the State Electoral Commission which would enable professionalization of this institution, which unfortunately does not possess human or technical resources to cover existing, let alone new jurisdictions.

5.2.1. Agency for the fight against corruption

Establishment of this Agency would imply transformation of the Directorate for the Anti-Corruption Initiative into an independent body. Director of this institution would not be appointed by the Government, but by the Governing Board, on the basis of the public call for applications, following strict criteria (structure model of this Agency is exposed in detail within the third scenario). The role of the National Commission would be taken over by this Agency and its Governing Board. In addition to the monitoring of the implementation of the Program for the Fight against Corruption and Organized

Crime and National Action Plan, this Agency would have a set of other jurisdictions:

- initiation and coordination of the formulation of strategic documents in the area of corruption;

- initiation of the procedure and imposition of sanctions for the breach of the Law on Agency for the fight against corruption and other laws under its jurisdiction;
- giving initiatives for the change and passing legislative acts in the area of the fight against corruption and organized crime;
- monitoring of the implementation of action plans for the fight against corruption by sectors;
- keeping of registries and monitoring of the implementation of the Law on lobbying;
- monitoring of implementation of the integrity plans;
- initiation and coordination of preventive measures at the national level;
- control of the implementation of the Law on Free Access to the information;
- introduction and carrying out of the programs of education on fight against corruption.
- giving opinion and instructions on implementation of laws in its jurisdiction;
- coordination of other bodies in the fight against corruption;
- collaboration with other state institutions and civil society organizations in the process of creation of regulations in the area of the fight against corruption;
- acting on reports of corruption by legal and physical entities;
- organization of researches, following and analysing statistical and other data on corruption presence;
- following of the international cooperation in area of the fight against corruption in cooperation with state bodies;
- conducting of other functions foreseen by law;

Model of this institution is mainly based on the structure of the similar institution in Serbia, which started work at the beginning of this year

5.2.2. State Electoral Commission

Second important institution, foreseen with this scenario as second pillar of fight against corruption, is the State Electoral Commission. This body, currently deprived of human and technical resources would prevalently be engaged on the issues of political corruption, besides its regular activities in the electoral process, based on the example of the Central Electoral Commission of Bosnia.

In addition to the activities that are already under jurisdiction of the SEC, in accordance with laws on the election of members of the Parliament and members of committees, election of the president of Montenegro and Meyers, under jurisdiction of this institution would be put also monitoring of financing of political parties and electoral campaigns (currently being done by the Auditor of Ministry of Finance) as well as implementation of the Law on conflict of interests. In order to achieve this, existing capacities of the SEC and Commission for Prevention of the Conflict of Interests would be united. Except those capacities, it would be necessary to open an audit sector, which would control authenticity of the statements made in financial reports of political parties and candidates in elections. Also, under jurisdiction of SEC would be keeping registries of public officials, registries of property and assets of the officials in accordance with the Law on prevention of the conflict of interests. According to this

scenario SEC would have the powers to initiate the legal proceedings as well as first level imposition of sanctions.

This structure model of SEC is already exposed in CEMI's policy study on State Electoral Commission. In practice, this model is hardly sustainable because of the strong resistance to the professionalization of SEC, whether from the Government or the opposition. Causes of this resistance are, from one side- aspirations of political parties to influence the electoral process, and from the other side financial benefits that members of this body have during electoral process.

We estimate that this scenario wouldn't have enough political support for its realization, and that SEC would remain dominantly under influence of political parties regardless to demands for its professionalization. Thus, we deem that this scenario can be abandoned, if independence in the actions of this institution can not be provided.

5.3. Scenario 3 – Centralization of part of anti-corruption institutions

The third scenario envisages a greater degree of centralization of anti-corruption institutions, which as compared to second scenario, means strengthening the Agency for fight against corruption at the expense of State Electoral Commission. We believe that this scenario would be most effective and most sustainable in practice, so we devote most attention to it in the study.

After the analysis and research was conducted, we came to the conclusion that Montenegro needs an independent body – the Agency for fight against corruption, which would be central in the fight against corruption.

In addition to insufficient funds that certain institutions receive for their work, one of the biggest causes of inefficiency is too broad and complex system of anti-corruption institutions with narrow jurisdictions and weak mandate.

The solution to this problem lies in the integration of at least part of institutions, which would, to larger extent, increase the efficiency in the implementation, and result in better utilization of available financial and human resources.

This scenario envisages integration and transformation of Directorate for Anti-Corruption Initiative, the Commission for prevention of conflict of interests, as well as the National Commission for monitoring implementation of innovated Action Plan for fight against corruption and organized crime.

National Commission for monitoring implementation would be partially transformed into Board of the future Agency, which would be responsible for monitoring the implementation of National strategy. On the other hand, human resources of DACI and Commission for prevention of conflict of interests would be unified and systematized in an optimal manner, in accordance with experience and professional profiles.

5.3.1. Agency for fight against corruption

Legal Status

To this day, in the system of anti-corruption institutions in Montenegro there has not been a body whose work was essentially independent. Mostly, such institutions were amongst three branches of government or inter-ministerial bodies. In order to improve the quality of efforts in preventing corruption it is necessary to establish a body that will be characterized by independence in implementation of anti-corruption laws, from all executive as well as two other branches of authority, and from the influence of political parties and centres of financial powers. Therefore, it is important that the holders of key functions in the Agency, as well as its Board, are not members of political parties. formirati tijelo koje će odlikovati nezavisnost u sprovođenju antikorupcijskih zakona, kako od izvršne, tako i od ostale dvije grane vlasti, a naravno i od uticaja od strane političkih partija i centara finansijske moći. Stoga je važno da se na ključnim funkcijama u Agenciji, kao i u njenom Upravnom odboru ne nalaze članovi političkih partija.

Jurisdiction

The jurisdiction of the Agency would encompass the application of several anti-corruption laws. In addition to the Law on Agency for fight against corruption, the Agency would be responsible for the implementation of: the Law on conflict of interests, the Law on free access to information, the Law on lobbying, the Law on integrity of public sector, the Law on financing of political parties, the Law on financing campaigns for the election of President of Montenegro, Meyers and presidents of municipality, as well as implementation of strategic documents, such as the Strategy for fight against corruption, Action Plan for the implementation of Strategy for fight against corruption, as well as sector action plans for fight against corruption.⁶¹

From the obligation of application of these laws and monitoring of strategic documents, following jurisdictions of Agency have been derived:

- to oversee the implementation of the Strategy and Action Plan for the fight against corruption and sector action plans, as well as the adoption of reports on their implementation;
- to initiate and conduct infringement procedure and impose sanctions of the first instance for breaches of the Law on agency for the fight against corruption and other laws for which supervision it is responsible;
- to resolve cases of conflict of interest;
- to maintain register of public officials, register of property and revenue of officers in accordance with the law regulating the prevention of conflict of interests as well as register of lobbyists;
- to perform duties in accordance with the law that regulates the financing of political parties and pre-election campaigns;

⁶¹We assume that, until the formation of this body takes place, legal framework for fight against corruption in Montenegro will be improved through implementation of the Law on lobbying and the Law on the integrity of the public sector

- to maintain a register of reports submitted by political parties and candidates for the election of the President of Montenegro;
- to perform duties in accordance with the law that regulates the issue of lobbying;
- to perform duties in accordance with the Law on free access to information;
- to provide guidelines for development and monitor implementation of plans of integrity in public and private sectors;
- to introduce and implement training programs on corruption;
- to provide opinions and guidance for the implementation of laws that it controls;
- to initiate and coordinate the work on the development of strategic documents in the field of corruption;
- to implement and supervise the implementation of international obligations arising from membership in international organizations and ratified international legal acts for the fight against corruption;
- to coordinate work of government bodies in fight against corruption;
- cooperates with other state institutions and civil society organizations in preparation of the regulations in the area of the fight against corruption;
- gives expertise in the area of fight against corruption;
- acts on reports of corruption from legal and physical entities;
- organizes researches, follows and analyzes statistical and other data on corruption presence;
- in cooperation with state bodies follows international cooperation in the area of fight against corruption;
- undertakes other functions foreseen by law.

Relation with other anti-corruption institutions

The Agency for the fight against corruption is envisaged as an independent body that represents main instrument in coordination of state institution in fight against corruption, resource center that provides professional help, and follows international cooperation that state institutions are developing in the area of fight against corruption. Also, this body would initiate formulation of strategic documents such as Strategy for the fight against corruption or the Action Plan, and it would be in charge for the control of implementation of these documents and periodical reporting on result of these politics on the national level and on the level of individual sectors.

By the Law on establishment of this institution clear mechanisms should be set which would be at its disposal in order to coordinate the work of other institutions: it is important to give to this institution a possibility to set deadlines for submission of information of the relevant institutions, as well as the power to impose sanctions in case that cooperation is denied. Also, this institution should have access to documents of all institutions in the country, in order to enable performance of all activities from its jurisdiction.

Organizational scheme and the mode of selection and appointment

Bodies of the Agency are the Governing Board and Director.

Governing board is composed out of 11 members chosen by the Government on the basis of nominations from entitled proposers. In the Governing Board there are two types of members: representatives of state institutions (8 representatives) and representatives of civil society organizations (3 representatives). Government is selecting representatives from following institutions: Ministries of Internal Affairs and Justice (2 members), the Parliament (one member), Judiciary (1 representative), Prosecution (one member), three representatives of civil society and three members chosen by proposal of Ombudsman, State Audit Institution, Bar Association, the University of Montenegro. All members of the Governing Board, except of the representatives of the Government and the Parliament are banned from membership in political parties. This method of appointment would strengthen independency in decision making of this body. Taking into consideration significance of inter-sector cooperation, and good practice of National Commission's work and inter-sector working groups in the process of creation of Innovated Action plan, and control of its implementation, authors of this study decided to chose mixed organizational model of this institution. In the case of Montenegro, it is important that implementation of the Strategy and Action plan is carried out by the representatives of the state institutions and representatives of the civil society.

With this proposal is foreseen that appointment is done by the Government, not by the Parliament, as it was set in Serbia. Until now, process of selection and appointment of the members of the anti-corruption institutions in the Parliament was followed by the controversies and numerous breaches of procedure, this choice did not guarantee independency of chosen persons, and authority of their decisions was often brought to question. Also, the Government of Montenegro is responsible for the anti-corruption policies, and by setting of appointment to its jurisdiction it would be responsible also for the implementation of this policy. Hence, we consider that it is more appropriate to put whole process of appointment under jurisdiction of the Government, while possibility of selection of the party affiliated members would be narrowed with precise conditions and rules for proposing of candidates and in such manner would be ensured engagement of legitimate and professional representatives.

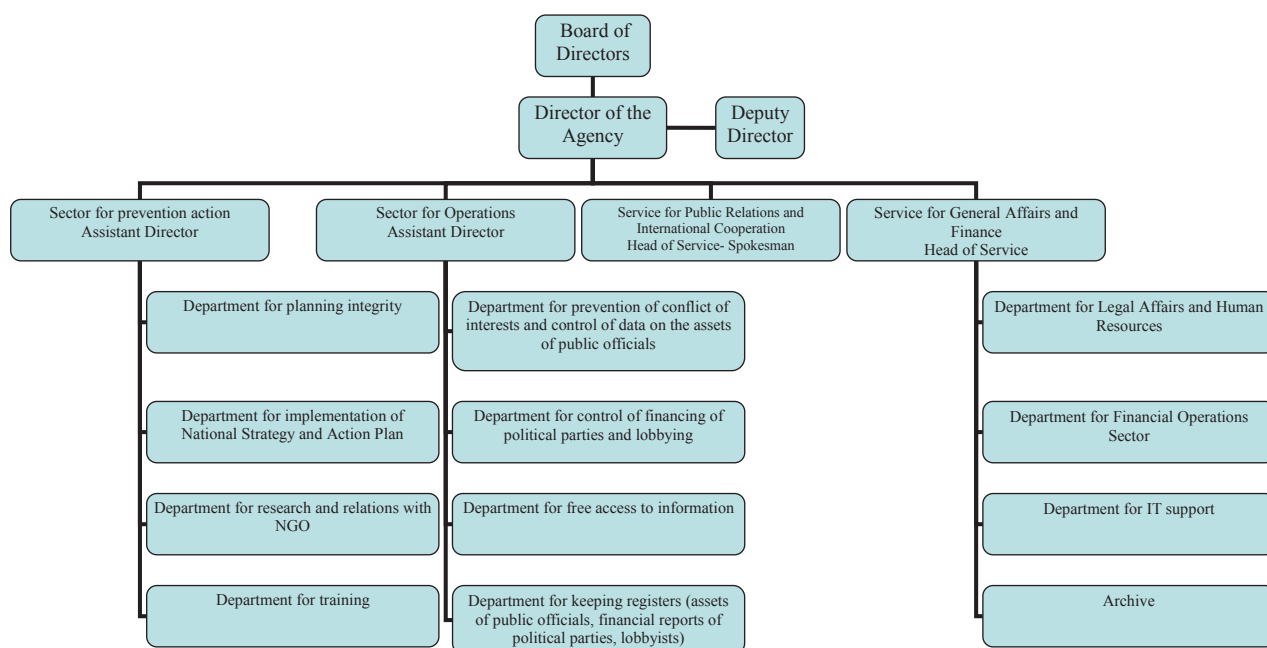
Government is appointing members of the Governing Board of the Agency with the mandate of 4 years. Proponents could propose more candidates, but Government is entitled to chose only: on the proposal of Ministries (Justice and Internal Affairs)- 2 representatives, Parliament one, NGO 3, and from other proponents three members.

Entitled proponents are: Administrative Board of the Parliament of Montenegro, the Government, Judicial Council, Council of Prosecutors, NGO's, Ombudsman, State Audit institution, Bar Association, the University of Montenegro.

The Director of the Agency is chosen by the Governing Board with 2/3 majority of total number of members, on the basis of public call for applicants in accordance with criteria for election of the Director, defined in Law on the Foundation of Agency for the Fight against Corruption. Director is chosen on the basis of call for applicants, among legal experts with minimum five years of professional experience, of which minimum three years of Human Resources Management.

Functioning of Agency itself would be organized in several sectors: (1) Sector for preventive action, (2) Operative sector, (3) Department for international cooperation and (4) Department for

general affairs. Heads of the Sectors for prevention and Operative sector, are appointed by the Director.



These two sectors would be directly in charge of implementation of concrete actions defined by the law, and control over implementation of laws under jurisdiction of this Agency, while two departments would be in charge of logistic support.

Sector for preventive actions would be organized in manner to cover: (1) integrity plans, (2) monitoring of implementation of National Strategy and Action Plan for the fight against Corruption and Organized Crime, (3) research and relations with nongovernmental organizations, (4) reasearches, training and education programs.

Operative sector would cover: (1) prevention of the conflict of interests and control of assets of the public officials, (2) control of financing of political parties and implementation of the Law on lobbying, (3) Free access to the information and (4) registry keeping (assets of the public officials, financial reports of political parties, lobbyist registry)

Department for international cooperation would be in charge of maintenance of international cooperation of Agency with institutions and organizations from other countries, as well as with international organizations with experience in the field.

Department for general affairs would cover: (1) legal affairs and human resurces management, (2) initiation of legal procedures (3) financial management, (4) IT (5) archive.

Financial and Human capacities

It is necessary to redirect budgetary funds that currently allocated to: DACI, commission for prevention of the Conflict of interests, as well as the resources that were at disposal of National Commission. Except these funds, which for 2010 amount to 666, 604,59 €, for 24 employed in DACI and Commission for prevention of conflict of interests it is necessary to provide additional funds for func-

tioning of this Agency. Considering that jurisdictions and powers of this Agency would be much wider in regard to jurisdictions of the existing institutions, this body would have to have more employees. Budget of the Agency, in case that it employs 45 people would be 1 million euro, which would enable fulfilment of foreseen activities.

Also, by the Law on this Agency should be set that funds for its functioning can't be lesser than 0.5% of Budget that will be allocated to the Governing Board, which will decide on their use. In this manner would be avoided direct dependence on executive branch of power and provided necessary independence in decision making.

5.3.2. State Electoral Commission

According to the projected scenario, SEC would have jurisdiction that would be in function of implementation of the Law on the Election of Members of Parliament and Committees, while implementation of the laws on financing of political parties and financing of electoral campaigns would be transferred to this new Agency.

However, existing technical and human capacities of this institution should be significantly improved, because their inexistence is seriously endangering application of the regulations that would be left in their jurisdiction. It is unacceptable that this institutions functions without permanently employed members, or professional service. In the difference of the second scenario, this institution has not wide jurisdiction so it doesn't have the need for the large administration, but certainly it needs professionalization and introduction of continuous administration. It is necessary to pass the Law on SEC, as it was foreseen with the Innovated Action Plan for the Fight against Corruption and Organized Crime, which will change current status of SEC, as well as the model of appointment of its members, that would guarantee its impartiality in decision making process. Also, current practice of appointment according to party affiliation is unacceptable, since it suppresses professionalism and impartiality.

6. Conclusion and recommendations

The current institutional frame for the fight against corruption in Montenegro is wide, it is not giving visible results, and it is a target of the European Commission and international organizations' critics. Cosmetic repairs of the existing institutions, or worse, establishing new ones, will not contribute to the resolution of this stalemate, but it will show that there is no actual political will for curbing of the corruption. As we already underlined in the previous part of the study, the best model for reform of institutions would be third presented scenario, i.e. formation of the independent Agency that would take over jurisdictions of Directorate for Anti-Corruption initiative, National Commission for monitoring of implementation of the Innovated Action Plan, Commission for prevention of the Conflict of Interests and part of the jurisdiction of the State Electoral Commission.

The reform of institutions itself is not enough to achieve desired effect. It is necessary to create the conditions under which this institution could function without obstacles. From regional experiences, we could identify several key factors for success in the for the fight against corruption:

- Members and directors of anti-corruption institutions must have strong personalities with demonstrated integrity;
- Clear and enough wide jurisdiction of these institutions;
- Strong mandate and willingness to implement sanctions (from the authorized bodies);
- Good coordination with state institutions that are responsible for fight against corruption;
- Existence of the strong political will for reduction of the corruption – there are no “untouchables”;
- Independence and financial security;
- Primate over other institutions in the institutional hierarchy
- Empower institutions to conduct administrative investigation and first-level sanctioning;
- Foundation of this institution requires advancement of the legislative framework, which would enhance this body and grant its free functioning, giving at the same time solid legal base for the fight against corruption. This includes:
 - Adoption of the Law on formation of independent Agency for the fight against corruption, which would define criteria for appointment of the Governing Board and the Agency Director, Agency's jurisdiction and powers vested to it;
 - Amendment of the Law on Prevention of the Conflict of Interests, in order to align it with international standards, to transfer jurisdiction from Commission for the Prevention of the Conflict of Interests to this Agency and enhancement of the Agency's power. It is crucial to give wider investigation powers in this area, as well as possibility to make first-instance verdict in individual cases.
 - Amendment of the Law on financing of political parties in order to transfer control of the financial reports, publishing them and verification of the actual assets of individuals under this Law, to the Agency;
 - Adopting laws on lobbying and integrity in public sector ⁶¹
 - Set by the Law the obligation of all institutions to cooperate with the Agency;

All mentioned changes are only base requisites for functioning of the independent anti-corruption Agency. To fulfil all the activities listed in the third scenario, it would have to have adequate professional, administrative, technical, financial and material capacities. Real prerequisite for obtaining palpable results is establishment of this institution in a way which would mean a break-up with traditional modes of conduct, like appointment on the basis of the party affiliation, giving partial powers restrained with different regulatory or secondary legislative acts, avoidance of corruption cases that are including highest officials, taking decisions of state institutions barely as an advice. These regulations must be followed by the adequate sanctions and preparedness to enforce them on all individuals that are breaking the law.

If these premises are achieved, results in curbing corruption in Montenegro will not be missing. On the other hand, if these conditions remain only recommendations, Montenegro will obtain another “decorative” institution which spends money of tax payers, only pretending to be working, in order to impress international community.

BIOGRAPHY OF THE AUTORS

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Zlatko Vujovic is one of the founders and the president of The Monitoring Center. He is a member of the National commission for the fight against corruption and organized crime and the president of the non-governmental self-regulatory body. He is engaged as an associate at the Faculty of Political Science in Podgorica, on the group of subjects: Party systems, Electoral systems, Comparative party systems in Europe, Electoral systems in Europe and Electoral and party systems.

At the Faculty of Political Science he has coordinated the Political department from 2006 to 2007, and later the department of European Studies until June 2008. He has graduated from the Faculty of Law in Podgorica in 2004, and he has received his MA in 2008 at the Faculty of Political Science

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Ana Selic was born on July 22nd, 1985 in Foca. She has completed elementary and postgraduate studies in 2007, at the Faculty of Political Science (department diplomacy and international relations), in Podgorica, and she has completed a master's degree in the field of international relations in 2009, at the University of Bologna.

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